

Memorandum



Date: March 6, 2007

To: Honorable Chairman Bruno A. Barreiro and
Members, Board of County Commissioners

Agenda Item No. 1(D)5

From: George W. Burgess
County Manager

Subject: Sunset Review of County Boards for 2007 – Miami-Dade County Historic Preservation Board

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2007 Sunset Review of County Boards Report for the Miami-Dade County Historic Preservation Board. The Board approved the attached report at its meeting of December 20, 2006 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Alex Munoz".

Alex Munoz
Assistant County Manager

cmo06307

Date: December 20, 2006

To: George M. Burgess, County Manager

From: Alberta Godfrey
Chair, Miami-Dade County Historic Preservation Board

Subject: Sunset Review of County Boards for 2007 – Miami-Dade County Historic Preservation Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2007 Sunset Review of County Boards Report for the Miami-Dade County Historic Preservation Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of December 20, 2006.

It is recommended that the BCC approve the continuation of the Miami-Dade County Historic Preservation Board.

BACKGROUND

The Historic Preservation Board was created in 1981.

The Historic Preservation Board was created as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is vested with the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, paleontological, and architectural resources in Miami-Dade County, Florida, as prescribed by County Ordinance 16A under the direct jurisdiction and legislative control of the Board of County Commissioners.

The Historic Preservation Board fulfills its duties to the community as a quasi-judicial board at its regularly scheduled public hearings.



Alberta Godfrey
Chair, Miami-Dade County Historic Preservation Board

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

I. GENERAL INFORMATION

1. Name of Board reporting:

Miami-Dade County Historic Preservation Board

2. Indicate number of board members, terms of office, and number of vacancies:

Number of Board Members: **13 Historic Preservation Board members**

Terms of Office: **4-year terms**

Number of Vacancies: **3 vacancies (Commissioner Seijas, Commissioner Barreiro, and Commissioner Gimenez)**

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2005** through **December 31, 2006**):

Number of Meetings: **2005: 7 meetings; 2006: 10 meetings.**

Number of Meetings with a Quorum: **2005: 7 meetings;**

2006: 10 meetings.

Attendance Records: See **Attachment 1**

4. What is the source of your funding?

48% CDBG and 52% General Fund

5. Date of Board Creation:

The Historic Preservation Board was created in 1981.

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).

See Attachment 2

7. Include the Board's Mission Statement or state its purpose:

The Historic Preservation Board was created as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is vested with the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, paleontological, and architectural resources in Miami-Dade County, Florida, as prescribed by County Ordinance 16A under the direct jurisdiction and legislative control of the Board of County Commissioners.

8. Attach the Board's standard operating procedures, if any.

See Attached Ordinance and Bylaws

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

9. Attach a copy of the Board's By-Laws, if any.

See Attached Ordinance and Bylaws

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.**

See Attachment 3

11. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager's transmittal memorandum to the Board of County Commissioners with the Board's recommendation.
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II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)

Yes. The Historic Preservation Board was created in 1981 as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is vested with the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, paleontological, and architectural resources in Miami-Dade County, Florida, as prescribed by County Ordinance 16A under the direct jurisdiction and legislative control of the Board of County Commissioners.

Within the past two years, the Board has designated one historical and archaeological zone and approved fourteen Certificates of Appropriateness.

2. Is the Board serving current community needs? (Please provide detailed information)

Yes. The Historic Preservation Board fulfills its duties to the community as a quasi-judicial board at its regularly scheduled public hearings.

3. What are the Board's major accomplishments?

- a. Last 24 months: **See Attachment 4**
- b. Since established: **See Attachment 4**

4. Is there any other board, either public or private, which would better serve the function of this board?

No.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")

No.

6. Should the Board's membership requirements be modified?

No.

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2006 and FY 2007)

The Historic Preservation Board serves in a fully voluntary capacity. There is no specific county budget for the board itself. The board staff serves the County Manager and the Commission in implementing the Historic Preservation Ordinance. The County and all its citizens are direct beneficiaries of the valuable contributions that these Board members make as custodian of County's historical and archaeological resources.

Operating costs for the Office of Historic Preservation that acts as staff for the Historic Preservation Board:

FY 2005: CDBG \$179,000/General Fund \$186,000

FY 2006: CDBG \$179,000/General Fund \$223,000

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

The Director reports to the Board each month's activities at the Board's meetings with a copy of the Minutes being sent to the County Manager's Office.

Attachment 1

MIAMI-DADE COUNTY HISTORIC PRESERVATION BOARD ATTENDANCE 2006

District		1/15	2/15	3/15	4/19	5/17	6/21	7/19	8/16	9/20	10/18	11/15	12/20
9	CAMPBELL, RUTH	N	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y
10	CANTILLO, ADRIANA	N	Y	Y	N	Y	Y	N	O	Y	Y	O	N
8	COHEN, RICK	Y	Y	Y	Y	Y	Y	Y		N	Y		Y
7	DE LA PENNA, LOURDES	N	Y	N	N	N	N	N	M	N	^	M	^
7/4	GEORGE, PAUL	N	N	N	Y	Y	N	Y	E	Y	N	E	N
12	GODFREY, ALBERTA	Y	N	Y	Y	N	Y	N	E	Y	Y	E	Y
11	GUTIERREZ, JR., ARM.	N	Y	Y	Y	Y	Y	Y	T	Y	Y	T	Y
3	JOHNSON, HYACINTH	Y	Y	Y	N	Y	N	Y	I	N	N	I	N
2	MCKINNEY, ROBERT	Y	N	Y	Y	Y	N	Y	N	Y	Y	N	Y
6	PHILLIPS, JOELLEN	N	Y	N	Y	Y	Y	Y	G	N	Y	G	Y
1	PINKNEY, ENID	Y	N	Y	Y	Y	Y	N		Y	Y		Y
5	SOSA, HERB	N	N	N	N	N	N	N		N	^		^

^ No longer a Board member

*new Board member
appointed 1/20/2005

**new Board member
appointed 11/30/2004

***Board member
appointed 5/3/2005

****Board member
appointed 5/19/2005

*****Board member
appointed 4/5/2005

*****Board member
appointed 6/27/2005

Attachment 1

MIAMI-DADE COUNTY HISTORIC PRESERVATION BOARD ATTENDANCE 2005

District	1/19	2/16	3/16	4/20	5/18	6/15	7/13	8/24	9/21	10/19	11/16	12/21
10	BOVO, VIVIANA	**			Y		^	^	^	^	^	^
10	CANTILLO, ADRIANA	*****							Y	Y	Y	
4	CORD, CAROL L.	*			Y		^	^	^	^	^	^
9	CAMPBELL, RUTH	Y	N	N	Y	N	Y	N	Y	Y	Y	N
8	COHEN, RICK	Y	O	O	N	O	N	N	Y	Y	Y	O
7	DE LA PENA, LOURDES	*****			****		N	N	N	N	N	
7/4	GEORGE, PAUL	Y			^ / ****							
12	GODFREY, ALBERTA	Y	M	Q	Y	Q	Y	Y	Y	Y	Y	M
11	GUTIERREZ, JR., ARM.	Y	E	U	Y	U	Y	Y	Y	Y	N	E
3	JOHNSON, HYACINTH	Y	E	O	Y	O	Y	N	N	Y	Y	E
2	MCKINNEY, ROBERT	Y	T	R	Y	R	Y	Y	Y	Y	Y	T
6	PHILLIPS, JOELLEN	Y	I	U	Y	U	Y	Y	N	Y	Y	I
1	PINKNEY, ENID	Y	N	M	Y	M	Y	Y	Y	Y	Y	N
5	WILHELM, DENNIS E	N	G		^		^	^	^	^	^	G
5	SOSA, HERB	***			N	N	N	N	N	N	N	

^ No longer a Board member

*new Board member
appointed 1/20/2005

**new Board member
appointed 11/30/2004

***Board member
appointed 5/3/2005

****Board member
appointed 5/19/2005

*****Board member
appointed 4/5/2005

*****Board member

Chapter 16A

HISTORIC PRESERVATION*

*Editor's note—At the editor's discretion, §§ 1–16 of Ord. No. 81-13, adopted Feb. 17, 1981, have been included as Ch. 16A of the Code.

Cross references—Building code, Ch. 8; housing, Ch. 17; landscaping, Ch. 18A; planning generally, Ch. 23A; urban renewal, Ch. 30A; zoning, Ch. 33.

Sec. 16A-1. Short title.

This chapter shall be known and may be cited as the "Metropolitan Dade County Historic Preservation Ordinance."

(Ord. No. 81-13, § 1, 2-17-81)

Sec. 16A-2. Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archeological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of Dade County. Therefore, this chapter is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features and archeological resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the County's historical, cultural, archeological and architectural heritage, as embodied and reflected in such individual sites, districts and archeological zones;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of Dade County.

(Ord. No. 81-13, § 2, 2-17-81)

Sec. 16A-3. Scope of regulations.

(1) This chapter is intended to and shall govern and be applicable to all property located in unincorporated Dade County, Florida. Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the Dade County Code. All municipalities within Dade County shall have up to and including July

1, 1982, to adopt local ordinances with respect to districts, individual sites and archeological zones. Adherence with this chapter by municipalities shall be deemed accomplished by the filing of each municipality's respective ordinance with the Clerk of the Dade County Board of County Commissioners.

(2) Before a municipal historic preservation ordinance shall be filed, it shall address the following sections: The establishment of an Historic Preservation Board with powers and duties; the creation of a process to designate individual sites, districts and archeological zones; a process of review of certificates of appropriateness and certificates to dig; and an appeal process. Municipalities shall also submit the proposed ordinance to the National Register of Historic Places for certification by the National Register to be eligible for the 1981 Economic Recovery Tax Act as amended. Although municipalities are not restricted for implementing the ordinance prior to National Register certification, the municipality must obtain certification as expeditiously as reasonably possible.

(3) Should any municipality fail to adopt an ordinance regulating historic preservation prior to July 1, 1982, this chapter shall govern.

(Ord. No. 81-13, § 3, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Annotation--CAO 82-23.

Sec. 16A-4. Definitions.

(1) *Archeological zone*: An area designated by this chapter which is likely to yield information on the history and prehistory of Dade County based on prehistoric settlement patterns in Dade County as determined by the results of the Dade County historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities.

(2) *Certificate of appropriateness*: A certificate issued by the Board permitting certain alterations or improvements to a designated individual site or property in a designated district.

(a) *Regular certificate of appropriateness*: A regular certificate of appropriateness shall be issued by the staff of the Preservation

Board, based on the guidelines for preservation approved by the Board.

- (b) *Special certificate of appropriateness.* For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued directly by the Board.

(3) *Certificate to dig:* A certificate that gives the Board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological sites in an archeological zone. This certificate is issued by staff of the Board based on the guidelines for preservation approved by the Board.

(4) *Certificate of recognition:* A certificate issued by the Board recognizing properties designated pursuant to this chapter.

(5) *Demolition:* The complete constructive removal of a building on any site.

(6) *Districts:* A collection of archeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this chapter.

(7) *Exterior:* All outside surfaces of a building or structure.

(8) *Guidelines for preservation:* Criteria established by the Preservation Board to be used by staff in determining the validity of applications for a regular certificate of appropriateness and any certificate to dig and to establish a set of guidelines for the preservation of buildings in south Florida.

(9) *Historic Preservation Board:* A board of citizens created by this chapter as described in Sections 16A-5 through 16A-9.

(10) *Historic survey:* A comprehensive survey compiled by the Historic Preservation Division of the Dade County Office of Community and Economic Development involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archeolog-

ical or architectural importance in Dade County, Florida.

(11) *Individual site:* An archeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this chapter. Under the provisions of this chapter interior spaces may be regulated only where a building or structure is a designated individual site.

(12) *National Register of Historic Places:* A federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.

(13) *Ordinary repairs or maintenance:* Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

(14) *Owner of a designated property:* As reflected on the current Metropolitan Dade County tax rolls or current title holder.

(15) *Undue economic hardship:* Failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

(16) *Landscape feature:* Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.
(Ord. No. 81-13, § 4, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-5. Historic Preservation Board— Created and established.

There is hereby created an Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Dade County, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archeological and architectural resources in Dade

County, Florida, as prescribed by this chapter under the direct jurisdiction and legislative control of the Board of County Commissioners.

(Ord. No. 81-13, § 5, 2-17-81)

Cross reference—Standards for creation and review of boards, commissions, etc., §§ 2-11.36–2-11.40.

Sec. 16A-6. Same—Members.

The Board shall consist of nine (9) members appointed by the Board of County Commissioners. Each member of the Board shall be, and shall hold office only so long as he or she is, a resident and registered voter of Dade County, Florida. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The Board of County Commissioners should attempt to appoint architects, realtors, archeologists, historians, art historians, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated concern for historic preservation. The term of office of membership shall be one (1) year for one (1) member, two (2) years for two (2) members, three (3) years for three (3) members and four (4) years for three (3) members, with appointments thereafter to be for a term of four (4) years for each member. Any vacancy occurring on the Board shall be filled by the County Commission for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment, and shall hold office until their successors have been duly appointed and qualified. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. Before entering upon the duties of office, each member shall file written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the Clerk of the County Commission. A member of the Board may be removed from office only by a two-thirds vote of the entire membership of the County Commission; however, whenever a member of the Board shall fail to attend three (3) consecutive meetings, the Chairman shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been re-

moved and the County Commission shall fill the vacancy by appointment.

(Ord. No. 81-13, § 6, 2-17-81)

Sec. 16A-7. Same—Organization.

The members of the Board shall select a Chairman who shall serve at the pleasure of the Board and such other officers as may be deemed necessary or desirable. The County Manager shall provide adequate personnel for the Board, including but not limited to representatives from the departments of community and economic development, building and zoning, and planning which shall be deemed the staff of the Board. Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.

(Ord. No. 81-13, § 7, 2-17-81)

Sec. 16A-8. Same—Rules and regulations.

The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this chapter and shall not conflict with the Constitution and General Laws of the State of Florida, and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the County Commission and filed with the Clerk of the Commission. Upon approval by the Commission, such rules and regulations shall have the force and effect of law within Dade County, Florida. The Board shall prescribe forms for use by applicants in compliance with the provisions of this chapter. The Board may authorize any one (1) of its members to administer oaths and certify to official acts.

(Ord. No. 81-13, § 8, 2-17-81)

Sec. 16A-9. Same—Powers and duties.

The Historical Preservation Board shall have the following enumerated powers and duties:

- (1) Adopt or amend rules of procedure.

- (2) Designate individual sites, districts and archeological zones.
 - (3) Issue or deny certificates of appropriateness and certificates to dig.
 - (4) Approve historical markers and issue certificates of recognition for individual sites and designated properties in a district.
 - (5) Recommend zoning and building code amendments to the proper authorities.
 - (6) Establish guidelines for preservation and criteria for issuance by staff of regular certificates of appropriateness.
 - (7) Promote the awareness of historic preservation and its community benefits.
 - (8) No actions of this Board will supersede or be construed as superseding the authority of the Board of County Commissioners.
 - (9) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere.
 - (10) Implement the authority of this chapter and fulfill the tasks set forth for this Board by the County Commissioners in this chapter and other ordinances.
 - (11) Record and maintain records of the Board's actions and decisions.
 - (12) Follow and abide by the laws of the United States of America, the State of Florida and Dade County.
 - (13) Provide an annual report to the Board of County Commissioners.
- (Ord. No. 81-13, § 9, 2-17-81)
Annotation—CAO 84-8.

Sec. 16A-10. Designation process and procedure.

(I) [Criteria.] The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological sites and other improvements or physical features, as individual sites, districts or archeological zones that are significant in Dade County's history, architecture, archeology or culture and possess an integrity of

location, design, setting, materials, workmanship or association, or:

- (a) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, Dade County, south Florida, the State or the nation; or
- (b) Are associated with the lives of persons significant in our past; or
- (c) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or
- (d) Have yielded, or are likely to yield information in history or prehistory; or
- (e) Are listed in the National Register of Historic Places.

(II) [Properties not generally considered; exceptions.] Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last fifty (50) years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (b) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
- (c) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.

- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- (e) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
- (f) A property or district achieving significance within the past fifty (50) years if it is of exceptional importance.

(III) *[Investigation and designation report.]* Prior to the designation of an individual site, a district, or an archeological zone, an investigation and designation report must be filed with the Board. The format of these reports may vary according to the type of designation; however, all reports must address the following: The historical, cultural, architectural or archeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such non-conforming properties shall provide that a certificate of appropriateness may be required only for new construction on such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

(IV) *Procedure.*

- (a) *Petition of the owner.* The owner(s) of any property in unincorporated Dade County may petition this Board for designation of their property as an individual site, district or archeological zone provided that they appear before the Board with sufficient information to warrant the investigation of the

property for future designation and the Board finds that the property may be worthy of designation. The Board shall, based on its findings, either direct the staff to begin the designation process or deny the petition. Nothing in this subsection shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.

- (b) *Directive of the Board.* The Board shall, upon recommendations from staff or the acceptance of petitions pursuant to part (IV), subsection (a) of this section, direct staff to begin the designation process by preparing a designation report, pursuant to part (III) of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein.
- (c) *Notification of owner.* For each proposed designation of an individual site, district or archeological zone, the Board is encouraged to obtain the permission of the property owner(s) within the designated area, and is responsible for mailing a copy of the designation report to the owner(s) as notification of the intent of the Board to consider designation of the property at least fifteen (15) days prior to a public hearing held pursuant to this section.
- (d) *Notification of government agencies.* Upon filing of a designation report, the Secretary of the Board shall immediately notify the appropriate building and zoning department, the appropriate public works department and any other County or municipal agency, including agencies with demolition powers, that may be affected by said filing.
- (e) *Notification of a public hearing.* For each individual site, district or archeological zone proposed for designation, a public hearing must be held no sooner than fifteen (15) days and within sixty (60) days from the date a designation report has been filed with the Board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail

to the last known address of the party being served; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten (10) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.

- (f) *Requirement of prompt decision and notification.* Within seven (7) days of a public hearing on a proposed individual site, district or archeological zone, the Board shall by written resolution state its decision to approve, deny or amend the proposed designation and shall direct the Secretary of the Board to notify the following of its actions with a copy of the resolution:
- (1) The appropriate building and zoning department,
 - (2) The County Clerk,
 - (3) The appropriate municipal clerk when necessary,
 - (4) Owner(s) of the affected property and other parties having an interest in the property, if known,
 - (5) The appropriate planning department,
 - (6) The appropriate public works department, and
 - (7) Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action,
 - (8) Dade County Property Appraiser.
- (g) *[Amendment or rescission.]* The Board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.
- (h) *Moratorium.* Upon the filing of a designation report by the staff, the owner(s) of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:
- (1) Erect any structure on the subject property.
 - (2) Alter, restore, renovate, move or demolish any structure on the subject

property until such time as final administrative action, as provided by this chapter, is completed.

- (i) *Recording of designation.* The Board shall provide the Clerk of the Circuit Court with all designations for the purpose of recording such designation and the Clerk of the Circuit Court shall thereupon record the designation according to law.

(Ord. No. 81-13, § 10, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 2, 4-19-88)

Sec. 16A-11. Application for certificate of appropriateness.

(I) *[Certificate required as prerequisite to alteration, etc.]* No building, structure, improvement, landscape feature or archeological site within Dade County which is designated pursuant to Section 16A-10 shall be erected, altered, restored, renovated, excavated, moved or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Section 16A-10. Landscape features and site improvements shall include but are not limited to, site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting. No certificate of appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition are approved by the Board.

(II) *[Board to develop procedures.]* The Board shall develop procedures for making application for both a regular and special certificate of appropriateness.

(III) *[Standards for issuance.]* The Board shall adopt and may from time to time amend the standards by which applications for any certificate of

appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular certificates of appropriateness.

(IV) *Regular certificates of appropriateness.* Based on the guidelines for preservation, the designation report, a complete application for regular certificate of appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date a complete application has been filed, approve or deny the application for a regular certificate of appropriateness by the owner(s) of a designated individual site, or property within a designated district. The findings of the staff shall be mailed to the applicant within three (3) days of staff decision accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying for a special certificate of appropriateness within thirty (30) days of the staff's findings.

(V) *Special certificates of appropriateness.*

- (a) An applicant for a special certificate of appropriateness shall submit his application to the Board pursuant to Section 16A-10 and accompany such application to the Board with full plans and specifications, site plan and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes.

If such application involves a designated archeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.

- (b) The Board shall hold a public hearing upon an application for a special certificate of appropriateness affecting property under its control. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten (10) days prior to the hearing.
- (c) The Board shall act upon an application within sixty (60) days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed thirty (30) days in order to seek technical advice from outside its members or to meet further with the applicant to revise or modify the application.
- (d) The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the Board or the Board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the Director of the Building and Zoning Department. When an application is denied, the Board's notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record of its actions under this chapter.

(VI) *Demolition.*

- (a) Demolition of a designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a special certificate of appropriateness.

- (b) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archeological zones pursuant to Section 16A-10. The Board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.
- (c) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the Board to grant a special certificate of appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in part (VI), subsection (d) herein. The Board may grant a special certificate of appropriateness which may provide for a delayed effective date of up to six (6) months. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features.
- (d) In addition to all other provisions of this chapter, the Board shall consider the following criteria in evaluating applications

for a special certificate of appropriateness for demolition of designated properties:

- (1) Is the structure of such interest or quality that it would reasonably meet national, State or local criteria for designation as an historic or architectural landmark?
- (2) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- (3) Is the structure one (1) of the last remaining examples of its kind in the neighborhood, the County or the region?
- (4) Does the structure contribute significantly to the historic character of a designated district?
- (5) Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
- (6) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

(VII) [*Building permit not to issue without certificate.*] No building permit shall be issued by the Director of the Building and Zoning Department which affects any designated property in Dade County without a certificate of appropriateness.

(VIII) [*Compliance of work with certificate standards.*] All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the certificate. The County Manager shall designate an appropriate official to assist the Board by making necessary inspections in connection with enforcement of this chapter and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Board and copies of any stop work orders both

to the Board and the applicant. The Building and Zoning Director or appropriate official and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued certificate of appropriateness shall be corrected to comply with the certificate of appropriateness prior to withdrawing the stop work order.

(IX) [*Emergency, temporary measures.*] For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in Dade County, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures to this chapter.

(X) [*No action to constitute approval.*] If no action upon an application is taken within sixty (60) days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.

(XI) [*Power of review.*] The Board shall have the authority to review applications for certificates of appropriateness for all property in Dade County, however owned, by either private or public parties. The purposes of this chapter shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or Board of the city, County or State.

(Ord. No. 81-13, § 11, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-12. Variances.

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this chapter; provided always that its requirements

ensure harmony with the general purposes hereof and will not adversely affect Dade County.

(a) In any instance where there is a claim of undue economic hardship, the owner may submit, by affidavit, to the Board at least fifteen (15) days prior to the public hearing, the following information:

(1) For all property:

- (i) The amount paid for the property, the date of purchase and the party from whom purchased;
- (ii) The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
- (iii) Real estate taxes for the previous two (2) years;
- (iv) Annual debt service, if any, for the previous two (2) years;
- (v) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (vi) Any listing of the property for sale or rent, price asked and offers received, if any; and
- (vii) Any consideration by the owner as to profitable adaptive uses for the property; and

(2) For income-producing property:

- (i) Annual gross income from the property for the previous two (2) years;
- (ii) Itemized operating and maintenance expenses for the previous two (2) years; and
- (iii) Annual cash flow, if any, for the previous two (2) years.

(b) The Board may require that an applicant furnish such additional information as the Board believes is relevant to its determination of undue economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to

the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-13. Maintenance of designated properties.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

(Ord. No. 81-13, § 12, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-14. Certificates to dig.

(I) [*When required; how granted.*] Within an archeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological site shall be prohibited without a certificate to dig. All applications to all appropriate municipal or County agencies involving new construction, large-scale digging, the removal of trees or any other activity that may reveal or disturb an interred archeological site, in an archeological zone shall require a certificate to dig before approval. Based on the designation report for the archeological zone, a complete application for a certificate to dig and any additional guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date the completed application has been filed, approve the application for a certificate to dig by the owners of a property in a designated archeological zone. The certificate to dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation. In order to comply with the site excavation requirements of the certificate to dig, the applicant may agree to permit the County Archeologist to conduct excavation from the time of the approval of the certificate to dig until the effective date thereof. The findings of the staff shall be mailed to the applicant by registered mail promptly. The applicant shall have

the opportunity to challenge the staff decision or any conditions attached to the certificate to dig by requesting a meeting of the Board. The Board shall convene within thirty-five (35) days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the Board shall be reduced to writing within seven (7) days from the date of the meeting.

(II) *Approved certificates to dig.* Approved certificates to dig shall contain an effective date not to exceed sixty (60) days at which time the proposed activity may begin, unless the Board decides to designate the site in question as an individual site or district pursuant to Section 16A-10 in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.

(III) [*Work to conform to certificate; stop work order.*] All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate. It shall be the duty of the appropriate government agencies and the staff of the Board to inspect from time to time any work pursuant to such certificate to assure compliance. In the event work is performed not in accordance with such certificate, the official designated by the County Manager pursuant to Section 16A-11(IX)(VIII) shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

(Ord. No. 81-13, § 13, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-15. Appeals.

Within twenty (20) days of the written decision of the Board, an aggrieved party may appeal the decision by filing a written notice of appeal with the Clerk of the Board of County Commissioners. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular County Commission meeting which is scheduled, whichever is later in time, the County Commission shall conduct a public hearing

at which time they may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the County Commission from seeking additional information prior to rendering a final decision. The decision of the County Commission shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the County Commission may appeal an adverse decision to the Circuit Court in and for Dade County, Florida. The party taking the appeal shall be required to pay to the Clerk of the Board the sum of one hundred dollars (\$100.00) to defray the costs of preparing the record on appeal.

(Ord. No. 81-13, § 14, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-16. Penalties.

Failure by an owner of record or any individual or private or public entity to comply with any provisions of this chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine not more than five hundred dollars (\$500.00) per day for each day the violation continues and including a requirement that any work performed contrary to this chapter must be removed and the property returned to its condition prior to commencement of said action.

(Ord. No. 81-13, § 15, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 3, 4-19-88)

Sec. 16A-17. Incentives.

All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by Metropolitan Dade County contingent on the availability of funds and the scope of the project as described in the application.

(Ord. No. 81-13, § 16, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-18. Tax exemptions for historic properties.

(a) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Dade County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this ordinance does not apply to properties within a community redevelopment area previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Dade County or the governing body of any city or other municipality within Dade County.

(b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the ordinance approving the exemption. The duration of the exemption as established in the ordinance granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.

(c) *Eligible properties and improvements.*

(1) Property is qualified for an exemption under this section if:

- (A) At the time the exemption is granted the property:
- (1) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
 - (2) Is a contributing property to a national-register-listed district; or
 - (3) Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation ordinance; and
- (B) The Metropolitan Dade County Historic Preservation Board has certified to the Board of County Commissioners that the property for which an exemption is requested satisfies paragraph (A).
- (2) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:
- (A) Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; and
 - (B) Be determined by the Metropolitan Dade County Historic Preservation Board to meet criteria established in rules adopted by the Department of State.
- (d) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the Board of County Commissioners a written application on a form prescribed by the Department of State. The application must include the following information:
- (1) The name of the property owner and the location of the historic property;
 - (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;
 - (3) Proof, to the satisfaction of the Dade County Historic Preservation Board, that the property this is to be rehabilitated or renovated is a historic property under this section;
- (4) Proof, to the satisfaction of the Dade County Historic Preservation Board, that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Department of State;
 - (5) Other information identified in appropriate Department of State regulations, or requested by the Dade County Historic Preservation Board; and
 - (6) If the property is within the jurisdiction of the Dade County Historic Preservation Board, a completed application for a certificate of appropriateness for the qualifying restoration, renovation, or rehabilitation.
- (e) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board of County Commissioners for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Section 212.12(3), Florida Statutes.
- (f) *Review By Historic Preservation Board.* The Metropolitan Dade County Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Dade County Historic Preservation Board must recommend that the Board of County Commissioners grant or deny the exemption. Such reviews must be conducted

in accordance with rules adopted by the Department of State. The recommendation, and the reasons therefor, must be provided to the applicant and to the Board of County Commissioners before consideration of the application at an official meeting of the Board of County Commissioners.

(g) *Approval By Board of County Commissioners.* A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The Board of County Commissioners shall include the following in the ordinance approving the written application for exemption:

- (1) The name of the owner and the address of the historic property for which the exemption is granted.
 - (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
 - (3) A finding that the historic property meets the requirements of this section.
- (Ord. No. 93-15, § 1, 3-2-93)

(See over)

Any such classification shall terminate upon repeal of Section 193.503 Florida Statutes or the repeal or sunset of this provision.
(Ord. No. 99-90, § 1, 7-27-99)

Sec. 16A-19. Classification and assessment of historic property used for commercial or certain nonprofit purposes.

Miami-Dade County hereby elects to adopt the classification and assessment method provide in Section 193.503 of Florida Statutes (1997). Accordingly, subject to the definitions, conditions, and procedures established by that Section, Historic Property qualifying under that Section shall be assessed based upon actual use.

MEMORANDUM

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Agenda Item No. 6(A)

TO: Hon. Chairperson and Members
Board of County Commissioners

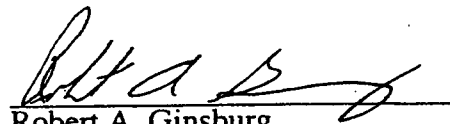
DATE: (Second Reading 3-11-03)
December 17, 2002

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending the
Miami-Dade County Historic
Preservation Ordinance

03.38

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Katy Sorenson and Commissioner Sally A. Heyman.


Robert A. Ginsburg
County Attorney

RAG/bw

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X



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 11, 2003

FROM: Steve Shiver 
County Manager

SUBJECT: Ordinance amending
the Miami-Dade County
Historic Preservation Ordinance

03.38 -

The ordinance amending the Miami-Dade County Historic Preservation ordinance will have no fiscal impact on Miami-Dade County.

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X



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 11, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(A)

03.38

Please note any items checked.

- ☐ "4-Day Rule" (Applicable if raised)
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of private business sector impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ "Sunset" provision required
- ☐ Legislative findings necessary

Approved _____ Mayor

Agenda Item No. 6(A)

Veto _____

3-11-03

Override _____

ORDINANCE NO. **03-381**

ORDINANCE AMENDING THE MIAMI-DADE COUNTY HISTORIC PRESERVATION ORDINANCE; PROVIDING ADDITIONAL PROTECTIONS TO HISTORIC RESOURCES; EXPANDING THE JURISDICTION REGARDING ARCHEOLOGY; ESTABLISHING MINIMUM STANDARDS FOR MUNICIPAL REGULATION OF HISTORIC PRESERVATION; ENACTING PROVISIONS REGARDING HISTORIC PROPERTIES SUBJECT TO UNSAFE STRUCTURES LAWS; CLARIFYING MEASURES THE COUNTY MAY REQUIRE FOR DEVELOPMENT OF ARCHEOLOGICAL ZONES AND SITES; REQUIRING PROPERTY OWNER ASSERTING AN ECONOMIC HARDSHIP TO PRODUCE CERTAIN INFORMATION; PROHIBITING DEMOLITION BY NEGLECT; REQUIRING MAINTENANCE OF HISTORIC PROPERTIES; PROVIDING FOR ADMINISTRATIVE AND LEGAL ENFORCEMENT; AMENDING OTHER PROVISIONS OF THE HISTORIC PRESERVATION ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 16A-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 16A-2. Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archeological, >>paleontological<< aesthetic and architectural merit are in the interests of the health, prosperity

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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and welfare of the people of Miami-Dade County. Therefore, this chapter is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features >>, paleontological<< and archeological resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the County's historical, cultural, archeological, >>paleontological<< and architectural heritage, as embodied and reflected in such individual sites, districts and archeological zones;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of Miami-Dade County.

Section 2. Section 16A-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-3. Scope of regulations.

- >>(1) This chapter is intended to and shall govern incorporated and unincorporated Miami-Dade County.
- (2) The regulatory jurisdiction of the Miami-Dade County Historic Preservation Board pursuant to this Chapter shall extend to:
 - (a) all property located in the unincorporated areas of Miami-Dade County;
 - (b) all property located in incorporated areas of Miami-Dade County except where the municipality has

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enacted its own historic preservation ordinance in accordance with section 16A-3.1;

- (c) archeology and paleontology zones and sites in the incorporated and unincorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1 and the municipality, within 365 days of the effective date of this ordinance, enacts an ordinance that (1) expressly retains jurisdiction over archeology and paleontology zones and sites, (2) adopts regulations as least as protective of archeology and paleontology zones and sites as those in this Chapter, and (3) commits the municipality to retain sufficient archeological personnel or consultants to enforce such regulations; and
- (d) the enforcement of the minimum standards established by this Chapter as set forth in this Chapter.<<

~~[[(1)]]>>(3)<<[[This chapter is intended to and shall govern and be applicable to all property located in unincorporated Miami-Dade County, Florida.]] Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the Miami-Dade County Code. [[All municipalities within Miami-Dade County shall have up to and including July 1, 1982, to adopt local ordinances with respect to districts, individual sites and archeological zones. Adherence with this chapter by municipalities shall be deemed accomplished by the filing of each municipality's respective ordinance with the Clerk of the Miami-Dade County Board of County Commissioners.~~

- (2) ~~Before a municipal historic preservation ordinance shall be filed, it shall address the following sections: The establishment of an Historic Preservation Board with powers and duties; the creation of a process to designate individual sites, districts and archeological zones; a process of review of certificates of appropriateness and certificates to dig; and an appeal process. Municipalities shall also submit the proposed ordinance to the National Register of~~

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~~Historic Places for certification by the National Register to be eligible for the 1981 Economic Recovery Tax Act as amended. Although municipalities are not restricted for implementing the ordinance prior to National Register certification, the municipality must obtain certification as expeditiously as reasonably possible.~~

- (3) ~~Should any municipality fail to adopt an ordinance regulating historic preservation prior to July 1, 1982, this chapter shall govern.]]~~

Section 3. Section 16A-3.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

16A-3.1. Municipal Historic Preservation

- (1) *County Technical and Legal Support for Municipal Preservation.*

The Director of the Office of Historic Preservation and the County Attorney's Office may provide a requesting municipality with technical and legal assistance in preservation matters. Such assistance is not intended to replace the municipality's own commitment of resources to preservation or to divert resources from the County's own preservation responsibilities.

- (2) *Timeframes for Municipalities to Enact Historic Preservation Ordinances.*

- (a) Municipalities incorporated prior to July 1, 1982 were given the option to adopt their own municipal historic preservation ordinances or be governed by the County ordinance. The following municipalities enacted their own ordinances: Coral Gables, Hialeah, Homestead, Miami, Miami Beach, Miami Shores, Miami Springs, Opa-locka, and South Miami.
- (b) Municipalities incorporated after July 1, 1982 but before the effective date of this ordinance have until one year after the effective date of this ordinance to adopt their own preservation ordinances.

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- (3) that protect designated sites or districts by preventing the issuance of building, construction, zoning, and demolition permits or the significant change of appearance of such sites or districts until a written certificate of appropriateness has been issued;
 - (4) that protect property owners by procedures (1) to de-designate properties and (2) to vary or modify historic regulation based upon economic hardship pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial public hearings, and appeals to courts;
 - (5) that provide economic incentives for preservation;
 - (6) that regulate and prevent the demolition of historic buildings by neglect, and
 - (7) that establish the Secretary of Interior's Standards for Rehabilitation as standards governing preservation, although a municipality may establish additional standards.
- (b) It is a violation of the minimum standards of this Chapter for a municipal historic preservation ordinance
- (1) to exempt an otherwise historic property from historic regulation or designation on the basis that the owner did not consent to the regulation or designation;
 - (2) to allow the issuance of a permit for the demolition of a historically-regulated property unless, after a public hearing pursuant to the ordinance, a variance based upon economic hardship has been granted or a certificate of appropriateness to demolish based on express standards in the ordinance

03.381

- (c) Municipalities incorporated after the effective date of this ordinance have until one year after the effective date of their incorporation to adopt their own preservation ordinances.

(3) *Status of Designated Properties After Transition of Jurisdiction.*

In the event that a municipality assumes jurisdiction of historic preservation from Miami-Dade County by enacting an ordinance as provided in this section, all properties previously designated by the Miami-Dade Historic Preservation Board shall have the status and protections of properties designated under the municipality's historic preservation ordinance unless and until such designation is removed by formal action of the municipality pursuant to its ordinance. The same rule shall apply if the County assumes jurisdiction from a municipality.

(4) *Minimum Standards for Municipal Ordinances.*

- (a) To comply with the minimum standards for historic preservation ordinances a municipal ordinance shall contain provisions:
 - (1) that establish a historic preservation board which shall be empowered to designate individual sites or districts and to issue certificates of appropriateness; or to advise the city commission regarding such matters. In this regard, this ordinance shall constitute authority for a municipality to delegate to its preservation board the power to designate sites and districts and issue certificates of appropriateness.
 - (2) that provide procedures for the municipality, its staff, the Director of the Miami-Dade County Office of Historic Preservation, and private parties to recommend the initiation of designations of historic districts and individual historic sites, whether residential, commercial, industrial or other, pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial hearings, and appeals to court;

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has been issued. In this regard, it is a violation of the minimum standards of this Chapter to permit the issuance of a certificate of appropriateness for demolition based solely upon the passage of a certain amount of time after the owner has applied to demolish.

- (c) Municipalities that have already enacted historic preservation ordinances as of the effective date of this ordinance shall have 365 days from the effective date of this ordinance to bring their ordinances into compliance with these minimum standards.
- (d) The minimum standards created in these sub-section shall not apply to any municipality that is recognized as a Certified Local Government by the Florida Secretary of State.

(5) *Guidelines for Municipal Enforcement.*

Municipalities are encouraged to comply with the following guidelines, but these guidelines shall not serve as minimum standards:

- (a) have a quorum appointed to its historic preservation board at least 9 months in any 12 month period;
- (b) conduct public meetings of its historic preservation board no less than 6 times in every calendar year;
- (c) provide sufficient professional staff to its historic preservation board to allow the board to conduct its business, including evaluating properties and districts for designation, reviewing and issuing certificates of appropriateness, holding quasi-judicial hearings, and otherwise enforcing the terms of its historic preservation ordinance;
- (d) conduct a separate public hearing to consider for designation each property within its jurisdiction listed on the National Register of Historic Places; and

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- (e) produce at least one designation report per calendar year until all properties in its jurisdiction listed as historically significant on the City or the County's last survey have been considered.
- (6) *Municipality Shall File Annual Report.* Municipalities that exercise jurisdiction of historic preservation shall annually file a report with the Clerk of the Board of the Miami-Dade County Commission. This report shall briefly state the name, address and qualification of its historic preservation board members; when each member joined and, if applicable left the board; the name, address and telephone number of its historic preservation staff members and consultants; and the number of designation reports and certificates of appropriateness prepared and considered in that year. Attached to the report shall be a copy of the minutes of the meetings of the municipality's historic preservation board for that year and any designation reports and certificates of appropriateness prepared by its staff during that year.
- (7) *Municipal Authority To Obtain Continuances Before Unsafe Structure Agencies.*

A municipality that has enacted its own historic preservation ordinance in accordance with this section may obtain continuances before unsafe structure agencies as set forth in section 16A-11 (VI) (b) of this Chapter. For this limited purpose, "Director," "staff," and "Board" as used in that section shall refer to their counterparts in the municipality. The authority provided by this sub-section shall be interpreted only to expand, and not to limit, the discretion of a municipality.

Section 4. Section 16A-3.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

16A-3.2. Authority of the Director to Appear as a Party.

In his official capacity, the Director of the Miami-Dade County Office of Historic Preservation shall have the legal authority to initiate or appear as a party in any administrative, legal proceeding, or appeal involving or arising out of a municipality's determination to designate an individual site or district, to grant or deny a certificate of appropriateness, to grant or deny a request to

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de-designate or grant a variance to a historic property, or to consider other similar matters involving individual sites or districts. In all such matters, the Director shall be represented by the County Attorney.

Section 5. Section 16A-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-4. Definitions.

- (1) *Archeological >>or paleontological<< zone:* An area designated by this chapter which is likely to yield information on the >>paleontology,<< history and prehistory of Miami-Dade County based on prehistoric settlement patterns in Miami-Dade County as determined by the results of the Miami-Dade County historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities>> and paleontology<<.

* * *

- (3) *Certificate to dig:* A certificate that gives the Board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological >>or paleontological<< sites in an archeological >>or paleontological<< zone. This certificate is issued by staff of the Board based on the guidelines for preservation approved by the Board.

* * *

- (6) *Districts:* A collection of archeological >>or paleontological<< sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this chapter.

* * *

- (10) *Historic survey:* A comprehensive survey compiled by the Historic Preservation Division of the Miami-Dade County Office of Community and Economic Development involving the identification, research and documentation of

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buildings, sites and structures of any historical, cultural, archeological>>paleontological<< or architectural importance in Miami-Dade County, Florida.

- (11) *Individual site*: An archeological site, >>a paleontological site<< building, structure, place or other improvement that has been designated as an individual site pursuant to this chapter. Under the provisions of this chapter interior spaces may be regulated only where a building or structure is a designated individual site >> and where its interiors are specifically designated. <<.

* * *

- (15) *Undue economic hardship*: Failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

* * *

Section 6. Section 16A-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-5. Historic Preservation Board--Created and established.

There is hereby created an Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archeological>>paleontological<< and architectural resources in Miami-Dade County, Florida, as prescribed by this chapter under the direct jurisdiction and legislative control of the Board of County Commissioners.

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Section 7. Section 16A-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-6. Same--Members.

The Board shall consist of ~~[[nine (9)]]~~ >>thirteen (13)<< members appointed by the Board of County Commissioners. ~~[[Each member of the Board shall be, and shall hold office only so long as he or she is, a resident and registered voter of Miami-Dade County, Florida. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation.]]~~ The Board of County Commissioners should attempt to appoint architects, realtors, archeologists, historians, art historians, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated concern for historic preservation. >>The Historic Preservation Board shall contain not less than one architect; one real estate agent or attorney at law; and one historian or architectural historian.<< The term of office of membership shall be ~~[[one (1) year for one (1) member, two (2) years for two (2) members, three (3) years for three (3) members and four (4) years for three (3) members, with appointments thereafter to be for a term of]]~~ four (4) years for each member. Any vacancy occurring on the Board shall be filled by the County Commission for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment~~[[, and shall hold office until their successors have been duly appointed and qualified]]~~. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. >>Members of the Board shall be governed by Section 2-11.36, et seq. of the Code.<< ~~[[Before entering upon the duties of office, each member shall file written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the Clerk of the County Commission. A member of the Board may be removed from office only by a two-thirds vote of the entire membership of the County Commission; however, whenever a member of the Board shall fail to attend three (3) consecutive meetings, the Chairman shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been removed and the County Commission shall fill the vacancy by appointment.]]~~

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Section 8. Section 16A-7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-7. Same--Organization.

The members of the Board shall >>annually elect<< ~~[[select]]~~ a ~~[[Chairman]]~~ >>Chair<< who shall serve at the pleasure of the Board and such other officers as may be deemed necessary or desirable. The County Manager shall provide adequate >>professional staff<< ~~[[personnel]]~~ for the Board, including but not limited to representatives from the departments of community and economic development, building and zoning, and planning and the >>Office of Historic Preservation<< which shall be deemed the staff of the Board. >>The Office of Historic Preservation shall have a professional Director. The Historic Preservation Board shall be consulted regarding the selection of the Director. The Chair or his or her designee shall serve on any board reviewing candidates for the position of Director.<< Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.

Section 9. Section 16A-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-9. Same--Powers and duties.

The Historic~~[[al]]~~ Preservation Board shall have the following enumerated powers and duties:

- (1) Adopt or amend rules of procedure.
- (2) Designate individual sites, districts and archeological >>and paleontological<< zones.

* * *

- >>(14) Review and make recommendations to the Office of Historic Preservation regarding any grant proposals reviewed by the Office of Historic Preservation, including but not limited to Community Development Block Grants.<<

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Section 10. Section 16A-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-10. Designation process and procedure.

- (I) [Criteria.] The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological >>and paleontological<< sites and other improvements or physical features, as individual sites, districts or archeological >>or paleontological<< zones that are significant in Miami-Dade County's history, architecture, >>paleontology,<< archeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:
- (a) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, >>paleontological<< and architectural history that have contributed to the pattern of history in the community, Miami-Dade County, south Florida, the State or the nation; or
 - (b) Are associated with the lives of persons significant in our past; or
 - (c) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or
 - (d) Have yielded, or are likely to yield information in history or prehistory; or
 - (e) Are listed in the National Register of Historic Places.

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Section 11. Section 16A-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-11. Application for certificate of appropriateness.

- (I) *[Certificate required as prerequisite to alteration, etc.]* No building, structure, improvement, landscape feature or archeological site within Miami-Dade County which is designated pursuant to Section 16A-10 shall be erected, altered, restored, renovated, excavated, moved or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design>>, the color of exterior paint surfaces, and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Section 16A-10. Landscape features and site improvements shall include but are not limited to, site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting. No certificate of appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition are approved by the Board.

* * *

- (V) Special certificates of Appropriateness

* * *

- >>(e) Unless otherwise provided in the certificate of appropriateness, both regular and special certificates of appropriateness shall expire after 365 days. Staff may grant extensions of time of up to an additional 180 days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed and provided a

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written request is filed and work is commenced
before expiration of the certificate. <<

(VI) Demolition

* * *

- (b) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archeological >>and paleontological<< zones pursuant to Section 16A-10. >>The staff of such agencies shall consult with the staff of the Historic Preservation Board before entering a demolition order or placing such properties on an official agenda. Such unsafe structures agencies shall not enter a demolition order unless they first determine in writing that there exists no feasible alternative to demolition.<< The >>Historic Preservation<< Board shall be deemed an interested party and shall ~~[[be entitled to]]~~ receive >>ten days prior written<< notice of any public hearings conducted by said government agency regarding demolition of any designated property. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property. >>At the written request of the Director of Miami-Dade County's Office of Historic Preservation, such unsafe structure agencies shall continue any hearing on a property for not less than 30 days to allow consultation with the Miami-Dade County Historic Preservation Board. If an unsafe structures agency subjects a designated property to an order providing for demolition, the order shall also, at the written request of the Historic Preservation Board, establish a grace period of no less than 120 days to obtain a permit to repair the property, followed by no less than 180 days to complete such repairs. After entry of such a repair or demolish order, such unsafe structures agencies shall have the jurisdiction and authority to grant additional extensions of the grace period, provided the agency is satisfied that the repair will be completed in a reasonable time.

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Nothing in this section shall prohibit an unsafe structures agency from entering an order requiring a designated property to be secured.

- (c) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the Board to grant a special certificate of appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in part (VI), subsection (d) herein. The Board may grant a special certificate of appropriateness which may provide for a delayed effective date ~~[[of up to six (6) months]]~~. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features.

>>(XII) Archeological Sites or Districts. To protect a designated archeological site, district, or zone the Board may require any of the following: (1) an archeological survey at the applicant's expense conducted by an archeologist approved by the Board containing an assessment of the significance of the archeological site and an analysis of the impact of the proposed activity on the archeological site; (2) scientific excavation and evaluation of the site at the applicant's expense by an archeologist approved by the Board; (3) mitigation measures; and (4) protection or preservation of all or part of the archeological site for green space. The Board may require an archeological survey as a precondition to consider further action.<<

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Section 12. Section 16A-12 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-12. ~~[[Variances.]]~~ >>Economic Hardship.<<

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant's >>property,<< strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this chapter; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Miami-Dade County.

- (a) In any instance where there is a claim of undue economic hardship, the owner ~~[[may]]~~ >>shall<< submit, by affidavit, to the Board at least fifteen (15) days prior to the public hearing, the following information:

- (1) For all property:
 - (i) The amount paid for the property, the date of purchase and the party from whom purchased;
 - (ii) The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
 - (iii) Real estate taxes for the previous two (2) years;
 - (iv) Annual debt service, if any, for the previous two (2) years;
 - (v) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 - (vi) Any listing of the property for sale or rent, price asked and offers received, if any; and

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- (vii) Any consideration by the owner as to profitable adaptive uses for the property;
 - >>(viii) All cost estimates or reports relating to the demolition of the property obtained within the previous two (2) years;
 - (ix) All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two (2) years;
 - (x) All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous two (2) years; and
 - (xi) All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous two (2) years, including market studies.<<
- (2) For income-producing property:
- (i) Annual gross income from the property for the previous two (2) years;
 - (ii) Itemized operating and maintenance expenses for the previous two (2) years; and
 - (iii) Annual cash flow, if any, for the previous two (2) years.
- (b) The Board may require that an applicant furnish such additional information as the Board believes is relevant to its determination of undue economic hardship ~~[[and may provide in appropriate instances that such additional information be furnished under seal.]]~~ >>The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer.<< In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the

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information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

Section 13. Section 16A-13.1 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 16A-13.1. Demolition By Neglect Prohibited.

(1) *Affirmative Maintenance Required.*

The owner of a property designated pursuant to this chapter either individually or as a contributing part of a district shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure the subject property, adjoining property, or members of the public.
- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
- (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- (e) Any fault or defect in the property which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.

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(2) *Undue Economic Hardship.* A property owner who believes that application of this section creates an undue economic hardship may apply for a variance under section 16A-12.

(3) *Enforcement.*

(a) *Notice and Administrative Enforcement.* When a Miami-Dade County Code Enforcement Officer learns of a violation of section (1), he or she shall give notice in writing of the violation to the owner, with specific written details of the corrective action necessary to remedy the violation. Such notice shall be given personally, by registered or certified mail, return receipt requested, or by posting on the property when the address of the owner cannot be located. The property owner shall have 30 days from the date of such notice to perform the corrective action. Thereafter, the Miami-Dade County Code Enforcement Officer may issue a civil citation pursuant to chapter 8CC of the Code of Miami-Dade County.

(b) *Action For Injunction And Remedial Relief; Lien on Property.* If the Property Owner fails to take corrective action within the 30 day period provided in section 3(a), Miami-Dade County may file an action seeking: an injunction ordering the property owner to take corrective action; an order authorizing Miami-Dade County to enter onto the property to make the corrective actions; and civil penalties. The Court shall order an injunction providing such remedies if Miami-Dade County proves that the owner has violated this ordinance and such violation threatens the integrity or existence of an individual site or a contributing structure within a district. Such civil action may be initiated in the name of Miami-Dade County at the discretion of the County Manager upon an affirmative vote of a majority of the Historic Preservation Board. Settlements of such lawsuits may be obtained in the same manner. Nothing herein shall prevent the Board of County Commissioners from initiating or assuming direction of the lawsuit, at its discretion. In the

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[Signature]

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event that the Court authorizes Miami-Dade County to enter onto the property to take the required corrective action, the Court shall also order that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.

- (c) *Civil Penalties.* Violation of this section shall be punished by a civil penalty of five hundred dollars. After expiration of the thirty day period provided in section (3) (a), each day that the corrective action is not taken shall constitute a separate violation.

Section 14. Section 16A-14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-14. Certificate to dig.

- (I) ~~[[When required; how granted.]]~~ Within an archeological >>or paleontological<< zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological >>or paleontological<< site shall be prohibited without a certificate to dig. All applications to all appropriate municipal or County agencies involving new construction, large-scale digging, the removal of trees or any other activity that may reveal or disturb an interred archeological >>or paleontological<< site, in an archeological >>or paleontological<< zone shall require a certificate to dig before approval. Based on the designation report for the archeological >>or paleontological<< zone, a complete application for a certificate to dig and any additional guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date the completed application has been filed, approve the application for a certificate to dig by the owners of a property in a designated archeological >>or paleontological<< zone. The certificate to dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation. In order to comply with the site excavation requirements of the certificate to dig, the applicant may agree to permit the County Archeologist to conduct excavation from the time of the approval of the certificate to dig until the effective date thereof. The findings of the staff shall be mailed to the

applicant by registered mail promptly. The applicant shall have the opportunity to challenge the staff decision or any conditions attached to the certificate to dig by requesting a meeting of the Board. The Board shall convene within thirty-five (35) days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the Board shall be reduced to writing within seven (7) days from the date of the meeting.

Section 15. Section 16A-17 of the Code of Miami-Dade County, Florida, is amended to read as follows:

Sec. 16A-17. Incentives.

* * *

>>It is the policy of Miami-Dade County to assist the owners of historic properties through the development of a Conservation Easement Program to obtain applicable state and federal tax benefits, pursuant to sections 193.505 & 704.06, Florida Statutes and any other governing law, provided that the Board of County Commissioners shall approve the acceptance, terms, and conditions of any conservation easement before it is accepted by the County. The Historic Preservation Board may promulgate the rules for such Historic Conservation Easements and model covenants that shall be used by the County upon approval by the Board of County Commissioners. The Historic Preservation Board is authorized to apply for grants and other sources of funding for the creation of historic grant and loan programs. Any funds received shall be placed in a Historic Preservation Trust Fund and used only for the purposes for which they were received. The Historic Preservation Board is authorized to promulgate rules and model agreements for such a program which shall be used by the County upon approval by the Board of County Commissioners.<<

Section 16. Section 14A-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-18. Tax exemptions for renovations for historic properties.

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- (b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the ~~[[ordinance]]~~ >>resolution<< approving the exemption. The duration of the exemption as established in the ~~[[ordinance]]~~ >>resolution<< granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.

* * *

- (d) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, ~~[[in the year the exemption is desired to take effect]]~~ >>prior to construction<<, file with the ~~[[Board of County Commissioners]]~~ >>Office of Historic Preservation<< a written application ~~[[on a form prescribed by the Department of State]]~~ >>on an approved form<<. The application must include the following information:

- (1) The name of the property owner and the location of the historic property;
- (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;
- (3) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the property that is to be rehabilitated or renovated is a historic property under this section;
- (4) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the improvements to the property will be consistent with the United

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States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Department of State;

- (5) Other information identified in appropriate Department of State regulations, or requested by the Miami-Dade County Historic Preservation Board; and
- (6) If the property is within the jurisdiction of the Miami-Dade County Historic Preservation Board, a completed application for a certificate of appropriateness for the qualifying restoration, renovation, or rehabilitation.

* * *

- (g) *Approval By Board of County Commissioners.* A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such exemption shall take effect ~~[[on the January 1 following substantial completion of the improvement]]~~ as provided in the resolution<<. The Board of County Commissioners shall include the following in the resolution approving the written application for exemption:

- (1) The name of the owner and the address of the historic property for which the exemption is granted.
- (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- (3) A finding that the historic property meets the requirements of this section.

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Section 17. Section 16A-20 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 16A-20. Settlement Authority.

The Director of the Office of Historic Preservation has authority to settle any 8CC tickets issued to enforce this chapter. In making such a decision the Director shall consider the likelihood of prevailing and whether compliance was obtained.

Section 18. Section 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

* * *

>>16A-10(VI)(h)	<u>Moratorium</u>	<u>\$100</u>
16A-11(I)	<u>Certificate of appropriateness required</u>	<u>\$100</u>
16A-11(VII)	<u>Failure of work to comply with certificate of appropriateness</u>	<u>\$100</u>
16A-13.1	<u>Demolition by neglect</u>	<u>\$500</u>
16A-14	<u>Certificates to dig</u>	<u>\$100<<</u>

Section 19. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity. The amendments to section 16A-11(V) of the Miami-Dade County Code are intended to clarify the existing language to reflect the original intent that the Board has authority to establish expiration dates on certificates of appropriateness.

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Section 20. This ordinance does not contain a sunset provision.

Section 21. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 22. This ordinance shall become effective ten (10) days after the date of enactment provided, however that section 16A-3(2)(c) shall take effect 365 days from the effective date of this enactment. The amendments to section 16A-7 shall not apply to officers serving as of the effective date of this ordinance.

PASSED AND ADOPTED: MAR 11 2003

Approved by County Attorney as
to form and legal sufficiency.

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Prepared by:

TWL

Thomas W. Logue

Sponsored by Commissioner Katy Sorenson and
Commissioner Sally A. Heyman

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MEMORANDUM

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TO Margot Ammidown
Staff Director
Historic Preservation Board

DATE January 24, 1991

SUBJECT Historic Preservation
Board Regulations

FROM Thomas W. Logue
Assistant County Attorney

Attached is a copy of Historic Preservation Board standards.

TWL:ac

Attachment

MEMORANDUM

103.01-14

TO Ivan Rodriguez, Staff Director DATE June 25, 1986
Historical Preservation Board SUBJECT Requirement Of Recommending
Standards In Designation Reports

FROM Thomas W. Logue
Assistant County Attorney

As was pointed out at the last Historical Preservation Board meeting, Section 16A-10 (III), Dade County Code, requires designation reports to include, among other things, "a recommendation of standards to be adopted by the board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig".

Accordingly, in the future all designation reports should include a reference to appropriate standards. If issues concerning the proposed property are addressed in existing standards, the report should recommend that the existing standards be adopted. If issues concerning the proposed property are not addressed in the existing standards, the report should recommend either that (1) existing standards be appropriately modified or (2) special standards be created applicable only to that specific property.

TWL:ac

RESOLUTION # R-1278-81

RESOLUTION NO. 8-1278-81

RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR
REVIEW OF HISTORIC SITES DESIGNATION AND ISSUANCE
OF CERTIFICATES OF APPROPRIATENESS FOR WORK TO BE
DONE AFFECTING HISTORICAL AND ARCHEOLOGICAL SITES

WHEREAS, this Board desires to accomplish the purposes outlined
in the accompanying memorandum, a copy of which is incorporated herein by
reference.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF DADE COUNTY, FLORIDA, that this Board approves these Rules and Regulations for
Review of Historic Sites Designations and Issuance of Certificates of
Appropriateness, as the standards to be used by the Dade County Historic
Preservation Board.

The foregoing resolution was offered by Commissioner

Ruth Shack , who moved its adoption. The motion was seconded by:
Commissioner Beverly B. Phillips and upon being put to a vote,
the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
William G. Oliver	Aye
Beverly B. Phillips	Aye
James P. Redford Jr.	Aye
Harvey Ruvin	Aye
Harry H. Rosenblum	Aye
Ruth Shack	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the resolution duly passed and adopted
this 1st day of September, 1981.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. PRINCE, CLERK

Approved by County Attorney as to
form and legal sufficiency. 14

By: **RAYMOND REED**
Deputy Clerk

MEMORANDUM

Agenda Item No. 5 (f) (9)

TO Honorable Mayor and Members
Board of County Commissioners

DATE September 1, 1981

FROM *[Signature]*
M.R. [unclear]
County Manager

SUBJECT Rules and Regulations for Review
of Historic Sites Designation and
Issuance of Certificates of
Appropriateness

RECOMMENDATION

It is recommended that the Board approve the attached Resolution establishing rules and regulations for review of historic sites designation and issuance of certificates of appropriateness.

BACKGROUND

The Board of County Commissioners adopted the Metropolitan Dade County Historic Preservation Ordinance 81-13 on February 17, 1981. This ordinance establishes a Commission-appointed Historic Preservation Board, with powers and duties to designate historic and archeological sites and to issue certificates of appropriateness for work affecting designated sites.

The proposed Rules and Regulations closely follow the mandates of the Ordinance. They have been prepared on the basis of staff expertise, carefully following the recommendations established by the U.S. Secretary of the Interior guidelines. Furthermore, the proposed draft for these Rules and Regulations has been reviewed and approved by the Commission-appointed Historic Preservation Board, at their last meeting, held July 21, 1981.

Approval of this Resolution is the remaining step before the process of review and designation by the Historic Preservation Board can start.

SYNOPSIS OF PROPOSED RULES AND REGULATIONS FOR REVIEW OF HISTORIC SITES
DESIGNATIONS AND ISSUANCE OF CERTIFICATES OF APPROPRIATENESS

The findings of the Dade County Historic Survey shall be used as data base in determining sites to be considered for designation. The survey identified and documented historical and archeological sites in Dade County over a three year period.

The sites shall be reviewed in terms of their architectural, historical, contextual and archeological significance.

Designation reports shall be broken down into the following categories:
individual sites
districts
archeological zones

Designation reports for all three categories shall contain the following information:

Data, including name, location, legal description, owner's name and address, title verification, survey status, National Register status, pertinent maps, present zoning, use and condition.
Significance, including physical description, photographs, a statement of architectural, historical and archeological significance and bibliography.
Impacts of the designation on other plans for the site, district or zone, and of current zoning on site(s) prior to designation.
Special Standards; specific guidelines that must be followed in order to accomplish a successful preservation of a particular site, district or zone.
Resolution of the board designating the site, district or zone.

Certificates of Appropriateness shall be required in order to undertake physical improvements on a designated site, district or zone.

Certificates of Appropriateness fall under two categories:

Regular certificates shall be issued by staff for work classified as maintenance, repair, or minor restoration or rehabilitation.
Special certificates shall be issued by the board for more extensive or significant physical work, including but not limited to restoration, demolition, relocation and excavation, as for new construction within a designated historic district.

Certificates of Appropriateness shall include the following information:

Data, such as name of property, location, legal description, owner, designation status, use and condition.
Classification of proposed work as maintenance, restoration, rehabilitation, excavation, demolition, new construction, relocation.
Description of proposed work, both on environmental features and on the building(s), explaining what will be done and how it will be done, and the impact that any changes in use will have.
Supplementary material, such as photographs, plans, elevations, samples

SYNOPSIS OF PROPOSED RULES ... (cont'd.)

of materials may be required, depending on the nature of the proposed work, as outlined on page 8 of the Rules and Regulations.

Standards for evaluating Certificates of Appropriateness for the different types of projects are outlined on pages 10 through 25, based on the recommendations by the U.S. Secretary of the Interior's guidelines.

Certificates to Dig in an archeological zone, standards for evaluating those applications, and guidelines on how to apply are outlined on pages 26 through 28.

These Rules and Regulations are pursuant to the Metropolitan Dade County Historic Preservation Ordinance #81-13, Section B, as adopted by the Board of County Commissioners on February 17, 1981.

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RULES AND REGULATIONS FOR REVIEW OF HISTORIC SITES DESIGNATIONS
AND ISSUANCE OF CERTIFICATES OF APPROPRIATENESS

GUIDELINES FOR DESIGNATION

The designation of properties as individual sites, districts or archeological zones will be based primarily on the findings of the Historic Survey. The Historic Survey is a three year survey of Dade County that identifies, catalogs, documents and evaluates sites of major architectural, historical and archeological significance. All of the properties in the survey have been rated.

For properties of primarily architectural or historical significance ratings were based on the properties' architectural, historical and contextual significance relative to its neighborhoods, municipality and Dade County based on the following criteria.

Architectural Significance

- 1) Architectural style or expression of a vernacular building form.
- 2) Representative buildings of South Florida architecture in their use of native materials and response to the tropical climate.
- 3) The type of construction and/or materials used and the quality of construction.
- 4) The quality of design and craftsmanship.
- 5) The architect or builder's prominence or contribution to the development of Dade County.

Historical Significance

- 1) Construction dates or approximate documented age of individual buildings or structures.
- 2) Previous uses associated with the site.
- 3) Association with a specific event or historical trend or particular community.
- 4) Association with a prominent person.

Contextual Significance

- 1) The visual continuity of a site with its immediate surroundings.
- 2) The visual contribution of a site to its immediate environment or the quality of enhancement a building may have with respect to other buildings or the natural environment.
- 3) The prominence of a building in both an urban and natural setting.
- 4) The impact of a site with respect to the historical factors or development themes that contributed to the creation of neighborhoods and subdivisions.

The evaluation system for sites of architectural, historical and contextual significance was on a scale of 1 to 3. All sites were given a rating for each area of significance - architecture, history and context, respectively. - i.e. a site with a rating of 123 would have a 1 in architecture, a 2 in history and a 3 in context. A rating of 1 implies major significance, a rating of 2 means the site has secondary significance, but its preservation should still be considered and a rating of 3 indicates minor significance.

Archeological Significance

For properties of archeological significance the following criteria is used to determine the significance of an archeological site.

- I) Important historical event or person associated with the site.
- II) The quality of the site or the data recoverable from the site is of sufficient enough significance that it would provide unique information on prehistoric or historical events.
- III) The site was the locus of discrete types of activities such as habitation, religious, burial, fortification, etc.
- IV) The site was the location of historic or prehistoric activities during a particular period of time.
- V) The site maintains a sufficient degree of environmental integrity to reflect some aspect of the relationship of the site's original occupants to the environment.

Archeological sites identified in the survey are also rated for their preservation quality.

- 1) The site is intact and has had little or no subsurface disturbance. The site should be preserved or excavated if threatened with destruction or alteration.
- 2) The site is slightly to moderately disturbed, but what actually remains has considerable potential for providing useful information. The site should be preserved if possible and considered for excavation if threatened with destruction or alteration.
- 3) The site is severely disturbed, which may include destruction or disturbance to an area of the site. The quality and volume of existing data may still permit useful and representative data to be recovered. Preservation of the site should be considered and excavation may be appropriate to mitigate any adverse impact on the site.
- 4) The site is severely altered and the quality of the data is poor. Neither preservation or excavation is recommended.
- 5) The site has been completely destroyed.
- 6) The preservation quality of the site is unknown because the site is covered by a structure, roadway or fill.

Archeological sites also receive a classification according to their site type.

Prehistoric

- 1) Constructed mounds
- 2) Earthworks
- 3) Trails
- 4) Habitation sites
- 5) Unclassified activity areas
- 6) Cemeteries, human burials

Historic-Seminole

- 7) Villages, camps
- 8) Farms/gardens
- 9) Ceremonial centers
- 10) Burials, cemeteries

Historic-Spanish

- 11) Fortification
- 12) Missions
- 13) Shipwrecks
- 14) Cemeteries
- 15) Homesites
- 16) Springs, wells

Historic-English/Bahamian

- 17) Homesites
- 18) Shipwrecks
- 19) Turtle crawl

Historic-American (1819 - 1860)

- 20) Homesites
- 21) Coontie mills
- 22) Fortifications
- 23) Shipwrecks
- 24) Roads

- 25) Trading posts
- 26) Graves, cemeteries
- 27) Docks and landings
- 28) Cisterns and wells
- 29) Garbage dumps

Historic-American (1860 - 1900)

- 30) Homesites
- 31) Hotels
- 32) Commercial, stores
- 33) Trading posts
- 34) Shipwrecks
- 35) Fortifications
- 36) Graves, cemeteries

- 37) Roads
- 38) Coontie mills
- 39) Docks and landings
- 40) Cisterns, wells and quarries
- 41) Garbage dumps
- 42) Unclassified historic activity

All archeological sites are rated in a numerical sequence. The first number - refers to the preservation quality of the site. Following the first number is a dash which is followed by a second number which refers to the type of archeological site. An example of an archeological rating is 2-21 which would mean that the site is a coontie mill from between 1819 - 1860, and is slightly disturbed but has the potential for providing useful information. Preservation of the site should be encouraged and an archeological excavation should be attempted if the site is threatened.

Designation Reports

The designation reports for individual sites shall conform to the following outline.

- I) Data -
 - A) Name of individual site
 - B) Location of the individual site (address)
 - C) Owner(s) of the designated property(s) and title verification
 - D) Dade County Historic Survey findings and status (National Register)
 - E) Map with the location (lot, block, township, range) of the site and its relationship to surrounding properties, structures, roads and other topographical features.
 - F) Current zoning of the property being designated
 - G) Present use and condition of site.
 - H) Legal description
- II) Significance -
 - A) An architectural or archeological description of the individual site, whichever is appropriate. One or more photographs shall accompany this description.
 - B) A brief description - not more than 300 words - of the individual site's relationship to the history, architecture, archeology and culture of Dade County, State of Florida or the nation.
 - C) Bibliography and footnotes for both reports shall be included.
- III) Impacts -
 - A) Impact of the designation on proposed public improvements, developmental or renewal plans on the individual site.
 - B) Copy of notification material.
 - C) Impact of current zoning on individual site prior to designation.
- IV) Special Standards for Certificates of Appropriateness - This section shall contain any specific preservation guidelines for the individual site, not included in the general guidelines.
- V) Resolution -
 - A) Draft resolution of the board adopting the designation report and designating the property as an individual site.

The designation reports for districts shall conform to the following outline.

- I) Data -
 - A) Name of the district
 - B) Location of the district - lot, block, township and range
 - C) List of owners with addresses of all property in the district
 - D) Dade County Historic Survey findings and status (National Register, etc.) of all property in the district. Properties of no historical, archeological or architectural significance shall be noted.
 - E) Map with the location of the district, all property lines, buildings, roads and other topographical features.
 - F) Current zoning of the property in the district.
 - G) Present use and condition of sites.
 - H) Legal description
- II) Significance -
 - A) An archeological or architectural description of the overall character of the district, whichever is applicable.
 - B) A brief description - not more than 600 words - of the district's relationship to the history, architecture, archeology and culture of Dade County.
 - C) Bibliography, etc. documentation.
- III) Impacts -
 - A) Impact of the designation on proposed public improvements, developmental or renewal plans.
 - B) Copy of owner notification and copy of advertisement.
 - C) Impact of current zoning on district prior to designation.
- IV) Special Standards for Certificates of Appropriateness - This section shall contain any specific preservation guidelines for the district not included in the general guidelines.
- V) Resolution -
 - A) Draft resolution of the board adopting the designation report and designating the properties as a district.

The designation reports for archeological zones shall conform to the following outline.

- I) Data -
 - A) Name of the zone
 - B) Location of the zone - lot, block, township, range
 - C) List of owners with addresses of all property in the zone
 - D) Dade County Historic Survey findings of archeological sites in the proposed zone.
 - E) Map with the location of the zone, all property lines, roads, other topographical features and municipal boundaries.
 - F) Current zoning of the property in the district.
 - G) Present use and condition of sites.
- II) Significance -
 - A) Based on the archeological findings of the Dade County Historic Survey, a description of the archeological significance of the zone - not more than 300 words.
 - B) A brief description of the kinds of archeological sites that are likely to be uncovered, i.e. based on historical data what homesteads may be uncovered within the zone - not more than 300 words.
- III) Impacts -
 - A) Impact of the designated zone on proposed public improvements, developmental or renewal plans
 - B) Copy of advertisement
 - C) Impacts of current zoning on district prior to designation
- IV) Special Standards for Certificate to Dig - This section shall contain any special guidelines for the zone not included in the general guidelines.
- V) Resolution -
 - A) Draft resolution of the board adopting the designation and designating properties as an archeological zone.

Certificates of Appropriateness

The procedure for application for a Certificate of Appropriateness by an owner or leasee of a designated individual site or property in a district shall conform to the Dade County Historic Preservation Ordinance (81-13) Sections 11 and the following guidelines.

- I. An owner or leasee of a property shall file a complete application for a Certificate of Appropriateness at the Office of the Historic Preservation Division which is staff for the Historic Preservation Board.
- II. All applications for a Certificate of Appropriateness will be considered complete when the information requested on the application form has been provided, all required supplementary material is provided and the application has been signed by the applicant.
- III. Once the completed application for a Certificate of Appropriateness has been filed, staff will determine, according to Part IV of the Guidelines for a Certificate of Appropriateness, if the application will be considered either a Regular or Special Certificate of Appropriateness.
- IV. Applications for a Certificate of Appropriateness shall be considered applications for a Regular Certificate of Appropriateness for all proposed alterations to individual sites and properties in a district that are classified on the application as maintenance or repair and all projects classified as minor restorations or rehabilitations. Note that minor restorations or rehabilitations constitute changes of color, material and specific landscape or architectural features that will change the exterior appearance of the designated property, but will not involve a change of the entire character or feeling of the property (i.e. A change in the kind of windows, from jalousie to double hung sash, would involve a Regular Certificate of Appropriateness. A change of the size or location of a window opening would involve a Special Certificate of Appropriateness. A change in the color or type of roof material would need a Regular Certificate of Appropriateness. A change in the style or design of the roof, from hipped to gable, would require a Special Certificate of Appropriateness). All considerations for Regular Certificates of Appropriateness shall comply with Section 11, Part IV of the Metro Historic Preservation Ordinance.
- V. Any application for a Certificate of Appropriateness that is not considered a Regular Certificate of Appropriateness shall be considered to be a Special Certificate of Appropriateness and comply with Section 11 of the Metro Historic Preservation Ordinance.

Application for a Certificate of Appropriateness

- 1) Data -
 - 1) Name of the property.
 - 2) Address and location (lot, block, township and range)
 - 3) Owner of property
 - 4) Name of applicant and relationship to owner
 - 5) Date of designation and type of designation (district, individual site)
 - 6) Present use and condition
 - 7) Legal description
- 2) Application -
 - 1) Type of certificate -
 - A) Regular
 - B) Special
 - 2) Classification -
 - A) Maintenance or repair
 - B) Restoration
 - C) Rehabilitation
 - D) Excavation
 - E) Demolition
 - F) New construction
 - G) Relocation
 - 3) Description of proposed project - explain what changes and how they will be accomplished.
 - A) Environment Features
 - 1) Environment
 - 2) Building site
 - B) Buildings or structures -
 - 1) Structural system
 - 2) Roofs and roofing
 - 3) Windows and doors
 - 4) Masonry
 - 5) Wood
 - 6) Architectural metals
 - 7) Porches, porte cocheres and steps
 - 8) Paints and finishes
 - 4) If the use of the property will change as a result of the proposed work, the impact, if any, of this change shall be explained.

- III) Supplementary Material - 1) For all applications for a Certificate of Appropriateness the applicant shall include one or two recent photographs (3" X 5") of the designated property as seen from a public right-of-way or a photograph that clearly depicts the designated property. Any additional photographs may be supplied by the applicant provided these photos are relevant to the application.
- 2) For all applications for a Regular Certificate of Appropriateness, samples of materials proposed in the application may be required of the owner as supplementary information before the application can be considered complete.
- 3) For all applications for a Certificate of Appropriateness classified as a restoration, the applicant shall supply elevations of the designated property with the proposed changes. If the project involves the alteration of the landscape features, a site plan and landscape plan of the property shall be included as supplementary material. Furthermore, the applicant shall submit a brief (not more than 300 words) statement, with bibliography, justifying the proposed changes to the property as a bonafide restoration. The applicant is also encouraged to submit any additional information, samples of material, photographs or reports that may support his case.
- 4) For all applications for a Certificate of Appropriateness classified as rehabilitation, the applicant shall supply elevations of the designated property with the proposed changes. If the project involves the alteration of landscape features, a site plan and landscape plan of the property should be included as supplementary material. The applicant is also encouraged to submit any additional information, samples of material, photographs or reports that may support his case.
- 5) For all applications for a Certificate of Appropriateness classified as demolition, the applicant shall include a report (not more than 300 words) explaining why the designated property should be demolished as supplementary material. If the applicant is seeking demolition of the designated property for reasons of economic hardship, the applicant shall include as supplementary material all pertinent data pertaining to the cost of preservation, demolition and new construction. The owner is encouraged to include any reports, economic analysis, structural surveys, plans or photographs that may support his case.
- 6) For all Certificates of Appropriateness classified as new construction in a district the applicant shall supply a site plan, elevations, floor plan and landscape plan as supplementary material.
- 7) For all applications for a Certificate of Appropriateness classified as relocation, the applicant shall include a report (not more than 300 words) justifying the relocation of the building. This report shall clearly indicate that efforts have been made to preserve the building in situ and that other alternative means of preservation would not be feasible. The report shall also include justification for the proposed relocation site, as well as photographs and a site plan.
- IV) Signature and statement attesting to the truthfulness and accuracy of the information supplied by the applicant.

Standards for Evaluating Certificates of Appropriateness

Certificates of Appropriateness shall be classified according to the following categories.

- Maintenance or Repair - The act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as on-going maintenance and repair of the property.
- Restoration - The process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- Rehabilitation - The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.
- Excavation - The process of performing an archeological dig to recover artifacts, historical material or other archeological features.
- Demolition - The process of destroying or tearing down a building or structure, or the process of removing or destroying an archeological site.
- New Construction - The process of constructing a building or structure that has never before existed at that location.
- Relocation - The process of moving a building or structure from its current foundation or location to another site.

Standards for Evaluating Certificates of Appropriateness

The following are the recommended objectives for all preservation projects in Dade County.

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure or site and its environment to allow use of property for its originally intended purpose.
2. The distinguishing original qualities or character of a building structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity.
6. Detached architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

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Standards for Evaluating Certificates of Appropriateness for projects classified
as Maintenance and Repair.

Recommended

Not Recommended

The Environment

Retaining distinctive features such as the size, scale, mass, color, and materials of buildings (including porches, porches, and stairways) that give a neighborhood its distinguishing character.

Retaining extant light fixtures and devices, signs, telephone poles, and other street furniture that may possess associative value with the historic scene.

Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys, and building set-backs that have traditionally linked buildings to their environment.

Removing signs, wires, and street furniture that possess associative value with the historic scene.

Archeological Sites and Features

Retaining archeological resources intact, whenever possible.

Minimizing disturbance of terrain around the property, thus reducing the possibility of destroying unknown archeological resources.

Undertaking archeological investigations in accordance with the Recovery of Scientific, Prehistoric, and Archeological Data: Methods, Standards, and Reporting Requirements (36 CFR 1210, formerly 36 CFR 1206 Proposed Guidelines published in the Federal Register, Vol. 42, No. 19, Friday, January 28, 1977)

Causing ground disturbances without evaluating the archeological potential of an area.

Failing to properly monitor all ground disturbances on a property for possible archeological data that could provide information relating to the history or interpretation of the property.

Introducing heavy machinery or equipment into areas where their presence may disturb archeological resources.

Installing underground utilities, pavements, and other modern features that disturb archeological resources.

Undertaking an archeological investigation without professional guidance, or without utilizing professional techniques.

Recommended

Not Recommended

Building Site

Identifying plants, trees, fences, walkways, outbuildings, and other elements that might be an important part of the property's history and development.

Retaining plants, trees, fences, walkways, street lights, signs, and benches that reflect the property's history and development.

Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.

Making changes to the appearance of the site by removing old plants, trees, fences, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

Building: Structural Systems

Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.

Undertaking stabilization and repair of weakened structural members and systems.

Supplementing existing structural systems when damaged or inadequate. Replace historically important structural members only when necessary.

Disturbing existing foundations with new excavations that undermine the structural stability of the building.

Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.

Building: Exterior Features

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco, and mortar.

Retaining existing masonry and mortar, whenever possible, without the application of any surface treatment.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color, and texture.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Duplicating missing architectural features, such as cornices, brackets, railings, and shutters.

Retaining the extant or early color and texture of masonry surfaces, wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Applying waterproof or water repellent coatings or other treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Repointing with mortar of high Portland cement content, thus creating a bond that can often be stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Sandblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Do not use chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Applying new material, which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone, or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves, and decorative pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and may change its historical appearance.

Building Exterior Features (continued)

Wood: Clapboard, weatherboard, shingles, and other wooden siding

Retaining existing material whenever possible

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates in size, shape, and texture the old as closely as possible.

Resurfacing frame buildings with new material, which is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

Architectural Metals: Cast iron, steel, pressed tin, aluminum, zinc

Cleaning, when necessary, with the appropriate method. Cast iron and steel are usually not affected by mechanical cleaning methods while pressed tin, zinc, and aluminum should be cleaned by the gentlest method possible.

Removing architectural features that are an essential part of a building's character and appearance and thus illustrate the continuity of growth and change.

Exposing metals that were intended to be protected from the environment. Do not use cleaning methods that alter the color or texture of the metal.

Roofs and Roofing

Preserving the existing roof shape

Retaining the existing roofing material, whenever possible

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Replacing deteriorated roof coverings with new materials that match the old in composition, size, shape, color, and texture.

Replacing deteriorated roof coverings with new materials that differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes, gutters, downspouts, and lightning rods.

Stripping the roof of architectural features important to its character.

Windows and Doors

Retaining existing window and door openings, including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware.

Installing storm or insulating windows when old glass, art glass, or fragile sash require protection from the weather. Protective windows should be as unobtrusive as possible and should be removable without damaging original fabric.

Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.

Installing inappropriate new window or door features such as aluminum storm and screen window combinations that require the removal of or cause damage to original windows and doors.

Using existing doors and door hardware when they can be repaired and used in place.

Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, Porticoes, and Steps

Removing porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Removing or altering porches and steps that are appropriate to the building's development and style.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

Stripping porches and steps of original material such as handrails, balusters, columns, brackets, and roof decorations of wood, iron, cast iron, terra cotta, tile, and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

Building: Exterior Finishes

Preserving existing paint color and finishes, or repainting to match existing conditions.

Removing existing paint color and finishes.

Standards for Evaluating Certificates of Appropriateness for projects
classified as restoration.

Recommended

Not Recommended

The Environment

Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.

Removing lighting devices, telephone poles, painted signs, or other street furniture that may be important to the historic setting.

Retaining early lanterns, light standards, telephone poles, utility poles, painted signs, and other street furniture that may be important to the historic setting.

Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys, and building set-backs that have traditionally linked buildings to their environment.

Archaeological Sites and Features

Retaining archeological resources intact, whenever possible.

Causing ground disturbances without evaluating the archeological potential of areas.

Minimizing disturbances of terrain around the structure, thus reducing the possibility of destroying unknown archeological resources.

Failing to properly monitor all ground disturbances on a property for possible archeological data that could provide information relating to the history of the property.

Introducing heavy machinery or equipment into areas where their presence may disturb archeological resources.

Installing underground utilities, pavements, and other modern features that disturb archeological resources.

Arranging for an archeological survey of all terrain that must be disturbed by the project. If the survey reveals sites or features that might be adversely affected, the area should be avoided or an archeological investigation conducted in accordance with the Recovery of Scientific, Prehistoric, and Archeological Data: Methods, Standards, and Reporting Requirements (36 CFR 1210, formerly 36 CFR 66 Proposed Guidelines published in the Federal Register, Vol. 42, No. 19, Friday, January 28, 1977).

Undertaking an archeological investigation without professional guidance or without using professional curatorial techniques.

Recommended

Not Recommended

Building Site

Identifying plants, trees, fences, walkways, outbuildings, and other elements that might be an important part of the property's history and development.

Making changes to the appearance of the site by removing old plants, trees, fences, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

Retaining plants, trees, fences, walkways, street lights, signs, and benches that reflect the property's history and development.

Using decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.

Giving the site an appearance it never had.

Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.

Recommended

Not Recommended

Building: Structural Systems

Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure

Disturbing existing foundations with new excavations that undermine the structural stability of the building

Undertaking stabilization and repair of weakened structural members and systems

Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure

Supplementing existing structural systems when damage is not or inadequate. Replace historically important structural members only when necessary

Building: Exterior Features

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco, and mortar

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment

Applying waterproof or water repellent coatings or other treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to sand in the mortar joints

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Duplicating old mortar in composition, color and texture

Repointing with mortar of high Portland cement content, thus creating a bond that can often be stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Duplicating old mortar in joint size, method of application and joint profile.

Repointing with mortar joints of a differing size of joint profile, texture or color.

Repointing stucco with a stucco mixture that duplicates the original as closely as possible in appearance, color, and texture

Cleaning masonry or stone, necessary to halt deterioration and always with the gentlest method possible, such as low pressure water and soft bristle brushes

Sandblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Do not use chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible in bond, pattern, shape, and coloring

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick, white artificial stone, or brick veneer to simulate a historic appearance.

Replacing missing architectural features, such as cornices, brackets, railings, and balustrades.

Removing architectural features such as cornices, brackets, railings, window architraves, and doorway pediments.

Retaining the original or early color and texture of masonry surfaces, wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and may change its appearance.

Wood: Clapboard, weatherboard, shingles, and other wooden siding

Retaining original material, whenever possible

Removing architectural features such as siding, cornices, brackets, window architraves, and downway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Replacing or replacing, where necessary, deteriorated material with new material that duplicates in size, shape, and texture the old as closely as possible.

Resurfacing frame buildings with new material, which is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

Architectural Metals: Cast iron, steel, pressed tin, aluminum, zinc

Retaining original material, whenever possible

Removing architectural features that are an essential part of a building's character and appearance and thus illustrate the continuity of growth and change.

Cleaning, when necessary, with the appropriate method. Cast iron and steel are normally not affected by mechanical cleaning methods while pressed tin, zinc, and aluminum should be cleaned by the gentlest method possible.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color or texture of the metal.

Roofs and Roofing

Preserving the original roof shape:

Retaining the original roofing material, whenever possible

Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.

Replacing deteriorated roof coverings with new materials which differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.

Preserving or replacing, where necessary, all architectural features which give the roof its essential character such as dormer windows, cupolas, chimneys, brackets, chimneys, cresting, weather vanes, gables, down spouts, and lightning rods.

Stripping the roof of architectural features important to its character.

Windows and Doors

Retaining existing window and door openings, including windows, sash, glass, lintels, sills, architraves, shutters, doors, pediments, heads, sills, and all hardware.

Installing storm or insulating windows when old glass or glass, or fragile sash require protection from the weather. Protective windows should be removable without damaging original fabric.

Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.

Installing inappropriate new window or door features such as aluminum storm and screen window combinations that require the removal of original windows and doors.

Repairing original doors and door hardware when they can be repaired and returned in place.

Discarding original doors and door hardware when they can be repaired and returned in place.

Recommended

Not Recommended

Building Exterior Features - continued

Entrances, Porches, Porte-cocheres, and Steps

Repairing or replacing steps and porches that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

Removing or altering porches and steps that are inappropriate to the building's development and style.

Stripping porches and steps of original material and architectural features such as handrails, balusters, columns, brackets, and mold decorations of wood, iron, cast iron, terra cotta, tile, and brick.

Building Exterior Finishes

Discovering original paint colors and finishes, repainting with colors based on the original, when appropriate, to illustrate the distinctive character of the property.

Stripping down to the bare surface without some evidence of original exterior surface.

Repainting with colors that cannot be documented through research and investigation to be appropriate in the building and the neighborhood.

Standards for evaluating Certificates of Appropriateness for projects classified as Rehabilitation.

Recommended

Not Recommended

The Environment

Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including porches, and stairways that give a neighborhood its distinctive character.

Introducing new construction into neighborhoods that is incompatible with the character of the district because of size, scale, color, and materials.

Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building setbacks that have traditionally linked buildings to their environment.

Destroying the relationship of buildings and their environment by widening existing streets, changing paving material or by introducing inappropriately located new streets and parking lots that are incompatible with the character of the neighborhood.

Using new plant materials, fences, walkways, street lights, signs, and benches that are compatible with the character of the neighborhood in size, scale, material and color.

Introducing signs, street lighting, benches, new plant materials, fences, walkways, and paving materials that are out of scale or inappropriate to the neighborhood.

Archeological Sites and Features

Retaining archeological resources intact whenever possible.

Causing ground disturbances without evaluating the archeological potential of an area.

Minimizing disturbances of terrain around the structure, thus reducing the possibility of destroying unknown archeological resources.

Failing to properly monitor all ground disturbance on a property for possible archeological data that could provide information relating to the history of the property.

Introducing heavy machinery or equipment into areas where their presence may disturb archeological resources.

Installing underground utilities, pavements, and other modern features that disturb archeological resources.

Arranging for an archeological survey of all terrain that must be disturbed by the project. If the survey reveals sites or features that might be adversely affected, the area should be avoided or an archeological investigation conducted in accordance with the Recovery of Scientific, Prehistoric, and Archeological Data Methods Standards and Reporting Requirements (36 CFR 1210 formerly 36 CFR 66 Proposed Guide published in the Federal Register Vol. 42, No. 19 Friday January 28, 1977).

Undertaking an archeological investigation without professional guidance or without utilizing professional curatorial techniques.

Building Site

Identifying plants, trees, fences, walkways, outbuildings, and other elements that might be an important part of the property's history and development.

Making changes to the appearance of the site by removing old plants, trees, fences, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

Retaining plants, trees, fences, walkways, street lights, signs, and benches that reflect the property's history and development.

Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.

Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.

Providing proper site and roof drainage to assure that water does not splash against building or foundation walls nor drain toward the building.

Recommended

Not Recommended

Building: Structural Systems

Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection or failure.

Disturbing existing foundations with new excavations that undermine the structural stability of the building.

Undertaking stabilization and repair of weakened structural members and systems.

Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.

Supplementing existing structural systems when damaged or inadequate. Replace historically important structural members only when necessary.

Building: Exterior Features

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco, and mortar.

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Applying waterproofing, water repellent coatings or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Duplicating old mortar in composition, color and texture.

Repointing with mortar of high Portland cement content, thus creating a bond that can often be stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Duplicating mortar in joint size, method of application, and joint profile.

Repointing with mortar joints of a differing size or joint profile, texture, or color.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.

Sanitblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Do not use chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

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Recommended

Not Recommended

Building: Exterior Features

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco, and mortar—continued

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage, wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Applying new material, which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone, or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves, and doorway pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

Wood: Clapboard, weatherboard, shingles, and other wooden siding

Retaining and preserving significant architectural features, whenever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape, and texture the old as closely as possible.

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Resurfacing frame buildings with new material, which is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

Architectural Metals: Cast iron, steel, pressed tin, aluminum, zinc

Retaining original material, whenever possible.

Cleaning, when necessary, with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

Removing architectural features that are an essential part of a building's character and appearance and thus illustrate the continuity of growth and change.

Exposing metals that were intended to be protected from the environment. Do not use cleaning methods which alter the color or texture of the metal.

Roofs and Roofing

Preserving the original roof shape.

Retaining the original roofing material, whenever possible.

Providing adequate roof drainage and insuring that the roofing materials provide a weathertight covering for the structure.

Replacing deteriorated roof coverings with new materials that matches the old in composition, size, shape, color, and texture.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, weather vanes, gutters, downspouts, and lightning rods.

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Replacing deteriorated roof coverings with new materials that differ in such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.

Stripping the roof of architectural features important to its character.

Recommended

Not Recommended

Windows and Doors

Retaining and repairing existing window and door openings, including: multi-paned glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware.

Duplicating the material, design, and hardware of the older window sash and doors if new sash and doors are used.

Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.

Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.

Installing inappropriate new window or door features such as aluminum storm and screen window, insulating glass combinations that require the removal of original windows and doors or the installation of plastic, canvas, or metal storm windows or fake shutters that detract from the character and appearance of the building.

Building: Exterior Features

Windows and Doors --continued

Installing visually unobtrusive storm windows and doors that do not damage existing frames and that can be removed in the future.

Using original doors and door hardware when they can be repaired and reused in place.

Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, Pore-cocheres, and Steps

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

Removing or altering porches and steps that are inappropriate to the building's development and style.

Stripping porches and steps of original material and architectural features such as handrails, balusters, columns, brackets, and roof decorations of wood, iron, cast iron, terra cotta, tile, and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

Building: Exterior Finishes

Discovering the historic paint colors and finishes of the structure and repainting with these colors to illustrate the distinctive character of the property.

Removing paint and finishes down to the bare surface, strong paint strippers, whether chemical or mechanical, can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes.

Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

Recommended

Not Recommended

New Construction

Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.

Designing new work to be compatible in materials, size, scale, color, and texture with the other buildings in the neighborhood.

Using contemporary designs compatible with the character and mood of the building or the neighborhood.

Preserving architectural details and features that contribute to the character of the building.

Placing television antennae and mechanical equipment, such as air conditioners, in an inconspicuous location.

Designing new work which is incompatible with the other buildings in the neighborhood in materials, size, scale, and texture.

Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensemble or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.

Adding new height to the building that changes the scale and character of the building. Additions in height should not be visible when viewing the principal facades.

Adding new floors or removing existing floors that destroy important architectural details, features, and spaces of the building.

Placing television antennae and mechanical equipment, such as air conditioners, where they can be seen from the street.

Standards for evaluating Certificates of Appropriateness for projects classified as excavation.

Determinations for Certificates of Appropriateness for excavation projects shall be based on answers to the following questions and their compatibility with the intent of these guidelines.

- A) Is excavation or removal of the designated property the only alternative to deterioration of the designated property?
- B) Is the archaeological site the last known example of its kind in the neighborhood, community, city, county or state?
- C) Would excavation of the site promote the general welfare of the county by providing an opportunity for study of local history, or archeology, or by developing an understanding of the importance and value of a particular culture and heritage?
- D) Are there definite plans for reuse of the property if the excavation is carried out?

Standards for evaluating Certificates of Appropriateness for projects classified as demolition shall comply with Section 11, Part VI of the Metro Historic Preservation Ordinance and address the following questions:

- A) Is the site of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- B) Is the site one of the last remaining examples of its kind in the neighborhood, the city, or the county?
- C) Does the site contribute significantly to the historic character of a district?
- D) Would retention of the promote the general welfare of the county or city by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?
- E) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

Standards for evaluating Certificates of Appropriateness classified as new construction in a district.

RECOMMENDED

NOT RECOMMENDED

The Environment

Retaining or reconstructing landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys, and building setbacks which have traditionally linked buildings to their environment.

Building Site

Retaining plants, trees, fences, walkways, street lights, utility poles, signs and benches that reflect the property's history and development.

Making changes to the appearance of the site by removing old plants, trees, fences, walkways, out-buildings, and other elements before evaluating their importance in the property's history and development.

RECOMMENDED

NOT RECOMMENDED

Building Plan

Retaining the scale, set backs and overall character of the surrounding building through compatible set back scale of the new building.

Ignoring the existing scale, set backs and overall character of the surrounding buildings in the design of the new structure.

Building: Exterior Features

Use of material (i.e. masonry, wood, architectural metals) that are a part of the historic and architectural character of the district.

Retaining the fenestration rhythm and size of openings.

Retaining an overall architectural character that harmonizes with the district.

Standards for evaluating Certificates of Appropriateness for projects classified as relocation.

Determinations for Certificates of Appropriateness for relocation projects shall be based on the answers to the following questions and their compatibility with the intent of these guidelines.

- A) Is relocation of the building or structure the only feasible solution to preserving the building?
- B) Will relocation significantly alter the character of the surrounding neighborhood or district?
- C) Is the building or structure the last remaining example of its kind in the neighborhood, city or county?
- D) Would retention of the structure or building at its current site promote the general welfare of the county or city by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture or heritage?
- E) Are there definite plans for the property if the proposed relocation is carried out and what will be the effect of these plans on the character of the surrounding area?

Application for a Certificate to Dig

- i) Data -
 - 1) Address and location of the property (lot, block, township, range, etc.)
 - 2) Owner of the property
 - 3) Name of applicant and relationship to owner
 - 4) Date of designation
 - 5) Present use and condition of site
 - 6) Legal description of the property
- ii) Application -
 - 1) Description of proposed project
 - A) Tree removal and planting
 - B) Fill or dredge operations
 - C) Irrigation, gables, foundations, roadways
 - D) Other
 - 2) Location of proposed project - identified on site plan
 - A) Buildings or structures
 - B) Boundaries of subsurface alterations
 - C) Location of proposed septic tanks, swimming pools, etc.
 - D) Location of proposed fencing
 - E) Location of proposed trees or shrubbery and the location of any trees or shrubbery to be removed.
- iii) Signature and statement attesting to the truthfulness and accuracy of the information supplied by the applicant.

Certificates to Dig

The procedures for the applications for a Certificate to Dig by an owner or lessee of a property in a designated architectural zone shall conform to the Dade County Historic Preservation Ordinance (81-13) Section 13 and the following guidelines.

- I) An owner or lessee of a property shall file a complete application for a Certificate to Dig at the Office of the Historic Preservation Division within its staff for the Historic Preservation Board.
- II) All applications for a Certificate to Dig will be considered complete when the information requested on the application form has been provided and the applicant has signed the application.
- III) All applications for Certificates to Dig will be evaluated by Staff of the Historic Preservation Division. Appeals of Staff decisions will be made to the Historic Preservation Board following the procedures for a Special Certificate of Appropriateness.

Standards for Certificates to Dig

I. Procedure for evaluating applications for Certificates to Dig.

- A) All completed applications will be evaluated to determine if there is known archeological site (from the Historic Survey files) at the property described in the application.
- B) Completed applications not containing any known archeological sites will be visited to ascertain if there is an archeological site at that location and if that site will be impacted by the proposed project.
- C) Archeological sites identified, from survey information or site visitation, shall be evaluated for:
 - * 1) Site type
 - * 2) Quality of preservation
 - * 3) Impact of the proposed project
 - * See guidelines for designation, archeological significance for explanation of the rating system to be used for these evaluations.
- D) Certificates to Dig will be issued according to the evaluations in Part C. Rare archeological sites of good preservation quality that will be adversely impacted by the proposed project will receive a longer moratorium period than sites of relatively less significance and poorer preservation quality.

**Miami-Dade County Historic Preservation Board
Minutes of the December 20, 2006 Meeting
Miami Lakes Community Center West
15151 Montrose Road (82nd Avenue)
Miami Lakes, Florida**

I. ROLL CALL

Board Members

Ruth Campbell	Present
Adriana Cantillo	Absent
Rick Cohen	Present
Paul George	Absent
Alberta Godfrey, Chair	Present
Armando Gutierrez, Jr.	Present
Hyacinth O. Johnson	Absent
Robert McKinney	Present
JoEllen Phillips	Present
Enid C. Pinkney	Present

Staff Members Present

Ivan A. Rodriguez
Rick Ferrer
Jeff Ransom
David Hertzberg
Roseanne Douglas

Thomas Logue
Assistant County Attorney

II. APPROVAL OF MINUTES

October 18, 2006

Ms. Ruth Campbell moved for approval of the October 18, 2006 Historic Preservation Board meeting minutes; Ms. Enid Pinkney seconded the motion. Motion was approved by a group vote.

III. OLD BUSINESS

Mr. Rodriguez thanked Board members for inquiring and taking an interest in the condition of his health. He said that he has had a couple of rough days but he is doing well and is back to work.

A. General Obligation Bond Projects Update

Mr. Rodriguez reported that the Hampton House agreement is fully executed and the project is being implemented through the Office of Community and Economic Development. The Dorsey Memorial Library is being implemented through the City of Miami and the inter-local agreement with the City is fully executed. First Miami High School inter-local agreement is fully executed with the City of Miami. There were some pending issues with the Hubbard Alvarez Bungalow with the Dade Heritage Trust which have been resolved. Staff has since prepared a new draft of the grant agreement and submitted it to the Office of Capital Improvement for review. Once the new language is

approved the agreement will have to go before the Board of County Commissioners because there are substantiated changes. The Curtiss Mansion agreement is fully executed with the City of Miami Springs. The Original Entrance to Parrot Jungle inter-local agreement with the Village of Pinecrest is fully executed. Staff met with the Manager of Pinecrest Village and the architects at the site and the rehabilitation plans look really good. The original proposal called for 90% demolition but staff convinced them that there was no need to take down the original limestone walls on the exterior. Mr. Rodriguez said that they could pour concrete from the inside and anchor the original stone walls to the new interior structure. Therefore, they salvaged the entire structure rather than starting almost from scratch. Redland Farm Life School project was originally managed by the Florida Pioneer Museum which is a volunteer organization. However, the Office of the County Attorney required that the private-non-profit organization (Florida Pioneer Museum) be fully bonded and they are not. Therefore the project is going to be administered directly by the Office of Historic Preservation. In addition, the general contractor that was in place is being registered as a County contractor through the Department of Business Development. The Military Museum grant agreement is fully executed. The Coral Gables museum inter-local agreement with the City of Coral Gables is fully executed. The Historic Preservation Fund and the Dade Heritage Trust have ironed out all the details as far as the administration and the County is going to put out the request for proposals requesting applications for funding. It will be administered primarily through the Office of Historic Preservation with assistance from the Dade Heritage Trust.

B. Bay Harbor Islands Update

Mr. Rodriguez informed the Board that they have been in contact with Ms. Terri Damico regarding the designation of Bay Harbor Islands. Staff had concerns as far as their ability to undertake the amount of research that would need to be done because a lot of the buildings are border line in meeting the 50 year criteria. Therefore, Ms. Damico's group is conducting some of the research and staff will reconnect with them to discuss establishing a collaborative work of both parties. Mr. Rodriguez said that they have been in constant communication with the Town Manager of Bay Harbor Island and answered a number of questions regarding implications of historic preservation. He noted that they have serious reservations and concerns and are not very happy with the idea of designation but they are also still under the assumption that the entire island will be designated. Mr. Rodriguez explained to them that there is no way of designating the entire Bay Harbor Islands because every building does not meet the 50 year threshold.

IV. NEW BUSINESS

A. Bethel Bahamian House Inaugurated

Mr. Ferrer reported that the Bethel Bahamian House is completed and it was inaugurated last week. Ms. Pinkney told the Board that she is very happy with the success of the project and she wrote a letter to Miami Herald complimenting Ms. Gage on all her efforts for a wonderful project.

B. Initiation of Designation Procedures
Charles Deering Estate Historic District

Mr. Rodriguez informed the Board that when the Charles Deering Estate was built the Historic Preservation Board designated a series of individual sites within the Estate and designated a historic district making it a little confusing. Since the time of designation there have been additional property acquisitions of land to the north, south and west of the original designation. Therefore, staff prepared a draft designation report with updated information and consolidated all the different designation reports into one.

Mr. Robert McKinney made a motion to direct staff to prepare a designation report for the Charles Deering Estate Historic District. Mr. Rick Cohen. Johnson seconded the motion.

Ruth Campbell	yes	Armando Gutierrez, Jr.	late
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

C. Request for Designation - Banyan trees along N.E. 15th Street
Homestead, Unincorporated Miami-Dade County

Mr. Rodriguez informed the Board that R. Sofya Belair, City of Homestead submitted a letter to him requesting that the Board consider historic designation of the banyan trees that line N.E. 15th Street. They noted that the trees are a treasured landscape feature of Homestead worth saving from future development and N.E. 15th Street / Kingman Highway is a County-owned right-of-way and they have no jurisdiction over it. Mr. Rodriguez said that it is his understanding that part of the road is within the City of Homestead and part is within Unincorporated Dade County. Mr. Rodriguez asked Mr. Logue's opinion regarding designating trees and requested that they be given the opportunity to research this matter further.

Ms. Ruth Campbell made a motion to direct staff to do additional research on whether or not they can designate the banyan trees that line N.E. 15th Street in Homestead, Florida. Ms. Enid Pinkney seconded the motion.

Ruth Campbell	yes	Armando Gutierrez, Jr.	late
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

D. 2007 Sunset Review of Miami-Dade County Historic Preservation Board

Mr. Hertzberg informed the Board that every two years they have to justify the existence of the Historic Preservation Board to the Board of County Commissioners by the Sunset Review Report. Mr. Rodriguez explained that they have to report on the Board's accomplishments and activities during that period. In addition, there is a section on accomplishments dating back to day one in which they list all the sites that have been designated. Mr. Rodriguez told the Board that the Sunset Report basically justifies if there is reason for the Board to continue its existence.

Ms. JoEllen Phillips made a motion to accept the 2007 Sunset Review Report for the Historic Preservation Board. Ms. Ruth Campbell seconded the motion.

Ruth Campbell	yes	Armando Gutierrez, Jr.	late
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

V. **COMMENTS FROM THE BOARD**

A. Chair's Report

Ms. Godfrey thanked staff for preparing the Historic Sites Designation Report list that dates back to 1981-2005. She noted that it is an excellent and useful report. In addition, she thanked staff for excellent directions to the meeting location.

Ms. Godfrey requested that the Historic Preservation Board elections for new officers be held in January 2007.

B. Director's Report

Mr. Rodriguez wished everyone a Happy Holiday and a Happy New Year. Mr. Ransom thanked Board members for attending this meeting in Miami Lakes.

Ms. Pinkney told the Board that she has been getting good comments regarding the progress of the Hampton House since the fence has been installed and the windows were closed. She noted that the community is very proud of the progress being made.

Mr. McKinney said that in regards to the 2007 Sunset Review they have had a number of designations, Certificates of Appropriateness and the General Obligation Bond projects making it a very good two years. He noted that they have gotten a lot of work done over the past two years and thanked Mr. Rodriguez, Mr. Logue and staff for the efforts that they put forth.

VI. SWEARING IN OF THE PUBLIC

At this time, Mr. Godfrey swore in members of the public and staff who will be speaking before the Board.

VII. PUBLIC HEARING - 2:30 P.M.

A. Request for deferral of any agenda item
There were no deferrals.

B. **Certificate of Appropriateness-Extension**
Parrot Jungle & Gardens Historic Site
("Scherr House" - MDFR Station #49)
10850 SW 57th Avenue
Pinecrest, Florida

Mr. Edward Villareal, 9300 NW 41st Street, Doral, Florida told the Board that he is the Construction Manager for Miami-Dade Parks and Recreation Department. He said that he is here to ask the Board to grant an extension to the Certificate of Appropriateness for Parrot Jungle & Gardens Historic Site ("Scherr House" located at 10850 SW 57th Avenue, Pinecrest, Florida. Mr. Villareal said that he has spoken with Mr. Ferrer and he is agreement with the extension. There is concern over two oak trees that are in the driveway of the site which is being remodeled by Miami-Dade Fire Rescue. The trees need to be removed in order to house the rescue truck. Mr. Villareal told the Board that he has a letter and plans from the Village of Pinecrest Building Department agreeing for them to remove the oak trees.

Mr. Rodriguez told the Board that this Certificate of Appropriateness was previously approved but has since expired. He noted that extensions are usually granted administratively at staff level but in this case it expired a while back so they felt that it should be brought back to the Board. Mr. Ferrer told the Board that the initial approval authorized by the Board in 2004 came with conditions. The project involved modifications to the Scherr House, new construction and the possible relocation of two oak trees but it was not definite. The two oak trees are on a median strip and surrounded by asphalt and are not in good shape. The Village of Pinecrest Arborist provided a memorandum stating that in his professional opinion if the trees are relocated the survival rate is less than 50%. In addition, the trees are next to utility lines and poles which make it very difficult to remove. Mr. Ferrer asked Ms. Joy Klein, Department of Environment Management and the Adopt a Tree Program to verify the information concerning the trees and she agreed with the opinion of the Arborist. Therefore, staff recommends extending the Certificate of Appropriateness and to remove the clause that requires the applicant to preserve the trees.

Mr. Gary Crackenberg, Arborist, Village of Pinecrest, 10800 SW 57th Avenue, Pinecrest, Florida told the Board that he inspected the two oak trees and thinks that they were probably planted in a small median planter. However, the trees have exceeded the planter and roots extend very close to the power lines and it will not be a good idea to move them.

Mr. McKinney wanted to know if it is possible to have some type of condition that requires planting additional trees on the location if removing the oak trees affect the canopy in the area to a great extent. Mr. Crackenberg told the Board that the particular site is part of the original Parrot Jungle and it is heavily wooded and it would not affect the canopy.

Ms. JoEllen Phillips made a motion to accept the recommendation of staff to extend the Certificate of Appropriateness and remove the clause that requires the applicant to preserve the oak trees. Ms. Enid Pinkney seconded the motion.

Ruth Campbell	yes	Armando Gutierrez, Jr.	late
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

C. **Historic Site Designation**
Madden's Hammock Archaeological Zone
Sec. 15, T. 52 S, R. 40 E
Miami Dade County, Florida

Mr. Ransom informed the Board that Mr. Lowell Dunn, Sr. recently passed away and he expressed his condolences to Mr. Dunn, II and his family.

Mr. Ransom reported that the Board granted three deferrals at the request of Mr. Dunn and now they are all in agreement with the designation. Mr. Ransom told the Board that there is a new legal description in place and the property owners agreed to the conditions. At this time, Mr. Ransom read the resolution into the record which included the conditions. He noted that Madden's Hammock is one of the most significant sites in Miami-Dade County and it warrants and merits the protection of designation.

Ms. Melissa Tapanes Llahues, Esq, Bercow and Radell, 200 S. Biscayne Blvd., Miami, Florida told the Board that she represents Lowell and Betty Dunn the owners of Madden's Hammock. They have been working diligently with staff for several months and thanked the Board for granting them the deferrals in order to get them to this point. Ms. Llahues said that they are here to acknowledge that the property should be designated as an archeological zone by Miami-Dade County. They have been working with staff to agree to certain conditions that they believe are in the best interest of the property owners, the property itself as well as the people of Miami Dade County.

Dr. David Bennett, 15830 N.W. Place, Miami Lakes, Florida thanked the Dunn family for recognizing the importance of Madden's Hammock. He noted that Madden's Hammock does appear on the National Register of Historic Places and the additional protections that this Board will grant will be a great help to the site.

Ms. Nancy Simon, Councilwoman, Town of Miami Lakes, 15700 NW 67th Avenue, Miami Lakes, Florida thanked and welcomed the Board to Miami Lakes. She told the Board that she is very pleased that they took an interest in Madden's Hammock and it is going to benefit many people in the years to come.

Dr. Pedro Carballo, 15832 NW 83 Place, Miami Lakes, Florida thanked the Dunn family for agreeing to have Madden's Hammock designated. He said that this is very good news for the citizens of Miami Lakes, Miami-Dade County and the State of Florida because it is a very important site. Therefore, he urged the Board to vote unanimously on the designation of Madden's Hammock.

Mr. Willard Steel, Tribal Historic Preservation Officer, Seminole Tribe of Florida told the Board that when he first located Madden's Hammock on a map it showed an incredible geological feature in the middle of the swamp and it was the highest point in the County. He informed the Board that in the nineteenth century Madden's Hammock was a Seminole town called Council Island and during excavations they located a large numbers of Seminole traits. Therefore, the site holds considerable significance to the Seminole Tribe of Florida and they appreciate the support and seeing the site designated.

Dorothy Cook, resident of Miami Lakes, Florida, told the Board that she is Vice-President of the Civic of Association and the Chair of Miami Lakes Preservation Society. She said that they have been waiting for the designation of Madden's Hammock. Ms. Cook thanked Mr. Dunn, the Miami-Dade Historic Preservation Board and staff for all their help on the designation.

Ms. Esperanda Renolds, resident of Miami Lakes, Florida thanked the Board and the Dunn family for agreeing to designate Madden's Hammock.

Mr. Lowell Dunn, II, 8083 N.W. 103, Hialeah Gardens, Florida told the Board that he has been on the Madden's Hammock property since the 1960s' and his family has enjoyed owning the property and it is a treasure to them. Mr. Dunn said that the compromise that was made with the County regarding the designation of the actual area that needs to be protected serves to both parties' interest. He told the Board that it has been a pleasure working with Mr. Logue, Mr. Rodriguez and Mr. Ransom.

Mr. Gutierrez said that he is very happy because it is a rare occasion when you can actually see that everyone is happy and he commended everyone for their hard work on this project. Mr. Rodriguez told the Board that a little patience goes a long way and this case proves it because it started out as a challenge and by working together they accomplished a solution to everyone's benefit.

Mr. Bob Carr, former Dade County Archeologist, told the Board that this is a magic moment and thanked Mr. Ransom and the Dunn family.

Ms. JoEllen Phillips made a motion to designate Madden's Hammock Archaeological Zone with the conditions stated in the resolution. Mr. Rick Cohen seconded the motion.

Ruth Campbell	yes	Armando Gutierrez, Jr.	yes
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

D. Certificate of Appropriateness

Lake Belmar Canal Historic District
1099 NE 89th Street
Miami, Florida

Mr. John Stroehmann, 1099 N.E. 89th Street, Miami, Florida told the Board that he lives on Lake Belmar which is essentially a canal. He said that Lake Belmar is one of two canals in Miami-Dade County where the seawall is built of coral rock. When the canal was built they dug through the coral rock and used the materials that were there to build the seawall. The coral rock is fairly unstable building material that basically fumbles over time because it is a very soft rock. Mr. Stroehmann told the Board that the coral rock has deteriorated to a degree and he wants to preserve the seawall by installing a concrete footer at the outside foundation of the seawall to keep the water from leaking.

Mr. Ferrer told the Board that Mr. Stroehmann submitted a previous Certificate of Appropriateness in September 2006 and it was denied at staff level. As a result of that Mr. Stroehmann had several discussions with staff about getting his request approved. Mr. Ferrer said that staff felt that this item should be brought before the Board because they do not get a lot of requests from Lake Belmar to stabilize the seawall but it is going to become an issue in the years to come. He told the Board that Mr. Stroehmann's marine contractors are proposing to shore the wall before the water line by creating a concrete footer which would stabilize the wall from further buckling. In addition, they plan to put a couple of inches of new cap on top of what is there and also some filling. Mr. Stroehmann is also requesting to install a new boat lift and access to the boat through a wood plank way. Mr. Ferrer said that hopefully this project will set a good precedence for other property owners that are dealing with the similar situation.

Mr. Rodriguez thanked Mr. Stroelman for his presentation and said that it has been a pleasure working with him. He informed the Board that the historic designation of Lake Belmar is for the canal, seawall and the green area. He noted that staff has been doing work piecemeal, a little at a time as it comes up and they are going about it disjointedly. Mr. Rodriguez said that it would be wonderful if they can get a grant that would allow them to do the entire project rather than having to address it individually because in the end they may lack some of the historic continuity.

Mr. Robert McKinney made a motion to approve the Certificate of Appropriateness for the Lake Belmar Canal Historic District located at 1099 NE 89th Street, Miami, Florida. Ms. JoEllen Phillips seconded the motion.

Ruth Campbell	yes	Armando Gutierrez, Jr.	yes
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

E. Certificate of Appropriateness

Bethel Bahamian-American House Historic Site
18201 SW 102nd Court
Miami, Florida

Ms. Godfrey swore in Ms. Helen Gage, 10203 S.W. 169th Terrace, Miami, Florida.

Ms. Gage told the Board that they had a ribbon cutting ceremony for the Bethel Bahamian-American House Historic Site last week and it was covered by Channel 6 News. She also told the Board that she has started several programs with small groups doing arts and crafts at the site.

Ms. Gage told the Board that they would like to relocate the Holland House to Bethel House property because it would enhance the community as a historic village. She noted that if the Holland House is not relocated it would be demolished. Mr. Ferrer said that the house is situated in old Princeton which is an old farming community in South Dade. The house has been in the same family for seventy years. It belonged to the Holland family which is the same family that pioneered in Goulds in the early 1900s. Ms. Holland Appleby, property owner, recently sold the property to investors who plan to put warehouses at its location and the house will be razed. Therefore, Ms. Appleby offered the house to anyone who would like to take upon a project of saving it. Ms. Gage would like to undertake the project and relocate the Holland House to the Bethel House.

Ms. Enid Pinkney made a motion to approve the Certificate of Appropriateness to relocate the Holland House to the Bethel House. Ms. Ruth Campbell seconded the motion.

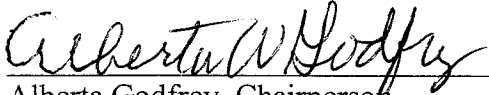
Ruth Campbell	yes	Armando Gutierrez, Jr.	yes
Adriana Cantillo	absent	Hyacinth O. Johnson	absent
Rick Cohen	yes	Robert McKinney	yes
Paul George	absent	JoEllen Phillips	yes
Alberta Godfrey, Chair	yes	Enid Pinkney	yes

Motion passed.

Ms. Phillips said that this has been a great meeting for compromises and she salutes Mr. Rodriguez and his staff. Ms. Pinkney told Ms. Gage that she is very proud of her accomplishments with the Bethel Bahamian House and she is proud to be a Bahamian-American.

VIII. ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned at 3:20 p.m.



Alberta Godfrey, Chairperson
Miami-Dade County Historic Preservation Board

1-17-07

Date



Ivan A. Rodriguez, Director
Office of Historic Preservation

1/17/07

Date